

# THE MISSOURI HISTORICAL REVIEW

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## CONSTITUTIONS AND CONSTITUTIONAL CONVENTIONS IN MISSOURI\*

BY ISIDOR LOEB.

Missouri has had five Constitutional Conventions but only three Constitutions have existed in the history of the State. The first of these was adopted by the Convention of 1820 and continued to operate until 1865. In 1845 a Constitutional Convention submitted a Constitution which was rejected by the voters. In 1861 a Convention was called for the primary purpose of determining the attitude of Missouri regarding the Union. After deciding by a practically unanimous vote against secession, the Convention adjourned instead of disbanding. It held four other sessions during 1861 and the two succeeding years and practically carried on a provisional government. While it adopted a number of constitutional amendments, the Convention did not undertake to make any general revision of the fundamental law of the State. In 1864 the voters approved the plan of calling a Constitutional Convention, which met in 1865 and drafted a Constitution which was adopted by the voters. This Constitution remained in effect until it was superseded by the present Constitution which was adopted in 1875.

While this article is primarily concerned with the Constitutional Convention of 1875 and the conditions which influenced its action, it will be desirable to consider briefly the preceding Constitutional Conventions which drafted Constitutions and to point out some of the more important features of these instruments. Many provisions of the existing Constitution had their origin in the earlier documents.

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\*Reprinted from *Journal of Missouri Constitutional Convention of 1875*, edited by Loeb and Shoemaker, published by the State Hist. Soc. of Mo., Columbia, 1920.

## CONSTITUTIONAL CONVENTION OF 1820.

Missouri's admission into the Union was delayed by the contest over the question of slavery extension, but finally an Act of Congress approved March 6, 1820, authorized a Convention for the purpose of forming a Constitution and State government. This Convention, which consisted of forty-one delegates chosen from the fifteen counties in accordance with the apportionment prescribed in the congressional act, met in St. Louis on June 12, 1820, and completed its work in a little more than five weeks, adjourning on July 19th. The Constitution was adopted by a vote of forty to one. The Act of Congress did not require the submission of the Constitution to the voters and the Convention assumed that its adoption of the Constitution marked the establishment of the new State.<sup>1</sup> It made provision for an election for State officers to be held on August 28, 1820, and for the inauguration of the new government on September 18, 1820.<sup>2</sup>

While the machinery of State government was put into operation as provided by the Constitution, the State's Senators and Representatives in Congress were not permitted to take their seats because of objection to a clause of the twenty-sixth section of the third article which required the Legislature to pass laws to prevent free negroes from coming into the State. After a contest extending over a period of three months, the controversy was settled by the Second Missouri Compromise on March 2, 1821. This resolution of Congress required the passage of a "solemn public act" by the Missouri Legislature agreeing that the clause in dispute should never be made the basis of any law by which any citizen of any state shall be excluded from any privileges to which he is entitled under the Constitution of the United States. The General Assembly of Missouri passed this act which was approved by the Governor on June 26, 1821. A copy of the act was sent to President Monroe and thereupon in pursuance of the congressional resolution the latter on

<sup>1</sup>Constitution, 1820, Schedule, Sec. 1.

<sup>2</sup>*Ibid.*, Sec. 9, 10.

August 10, 1821, issued his proclamation setting forth the facts and stating that "the admission of the said State of Missouri into this Union is declared to be complete."

The Constitution of 1820 consisted of thirteen articles dealing with the boundaries, distribution of powers, legislative power, executive power, judicial power, education, internal improvement, banks, militia, miscellaneous provisions, permanent seat of government, mode of amending the Constitution and declaration of rights, in addition to a schedule containing temporary provisions for facilitating the transfer from Territorial to State government. The articles relating to education and internal improvement were brief and largely confined to a mandate for the encouragement of such matters by the Legislature. The article dealing with banks restricted the Legislature to the incorporation of one bank with not exceeding five branches and a maximum capital stock of five millions of dollars of which at least one-half must be reserved for the State. The militia article was likewise brief, providing merely the manner of choosing officers, while the provisions regarding the permanent seat of government left the General Assembly chief power of determining this question.

The legislative article was largely confined to provisions regulating composition, organization and procedure. The bicameral system was established and the principle of apportionment according to free white male population was adopted for each house, except that each county was to have at least one member in the House of Representatives. The membership of this House was not to exceed one hundred while that of the Senate was not to be less than fourteen nor more than thirty-three. Only a few sections contained positive restrictions upon legislative power and these related almost exclusively to some feature of the institution of slavery.<sup>3</sup> While the declaration of rights contained the usual limitations upon civil and criminal procedure, the Constitution did not contain the numerous restrictions upon

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<sup>3</sup>Constitution, 1820, Art. III, Sec. 26-28.

legislative power which have appeared in the later documents. As a result the Constitution of 1820 was a relatively brief instrument, containing not exceeding 10,000 words.

In addition to the Legislature the Constitution provided for the Executive and Judicial Departments which, in accordance with the principle of distribution of powers set forth in Article II, were to be distinct from and independent of each other as well as of the Legislative Department. The Constitution was one of the earliest to provide a four-year term for the Governor, who, however, was made ineligible to succeed himself. The Governor and Lieutenant-Governor were the only executive officials chosen by popular election. All of the other officials of the Executive Department provided for by the Constitution were appointed by the Governor, except the treasurer, who was chosen by a joint session of the two houses of the Legislature.<sup>4</sup> The Governor likewise appointed all judges, who held office during good behavior, but his appointment of these and of the principal executive officers required the consent of the Senate.<sup>5</sup> The Governor was also given a limited veto power but this could be overcome by an absolute majority in each house of the General Assembly.<sup>6</sup>

Suffrage and elections were not as yet considered of sufficient importance to deserve a separate article. Universal suffrage was provided for all free white adult male citizens of the United States, except members of the regular army or navy of the United States,<sup>7</sup> but occasion for the exercise of this suffrage was limited. The only elective State officials were members of the Legislature and the Governor and Lieutenant-Governor. The whole field of local government was left to legislative regulation, except that the Constitution provided for a sheriff and coroner in each

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<sup>4</sup>Constitution, 1820, Art. III, Sec. 31; Art. IV, Sec. 12, 21; Art. V., Sec. 18; Art. IX, Sec. 3.

<sup>5</sup>Constitution, 1820, Art. V, Sec. 13.

<sup>6</sup>Constitution, 1820, Art. IV, Sec. 10, 11.

<sup>7</sup>Constitution, 1820, Art. III, Sec. 10.

county and these were to be chosen by popular election until otherwise provided by the General Assembly.<sup>8</sup>

Even in the matter of amending the Constitution there was no provision for popular referendum, amendments being proposed by a two-thirds vote of each house of the Legislature and requiring for ratification a similar vote at the first session of the next succeeding General Assembly. No provision was made for a general revision of the Constitution.<sup>9</sup>

The Constitution of 1820 was typical of the period of its creation, occupying a somewhat advanced position in the matter of long terms for members of the Legislature (two and four years) and executive officials (four years, except Treasurer, two years) and of biennial instead of annual elections and sessions of the Legislature. The democratic movement had barely commenced and it did not appreciably affect the Constitution. The chief influence came, naturally from existing state constitutions and of these the most influential were those of Alabama (1819), Illinois (1818), Kentucky (1799), and Maine (1819), all of these except one falling in the group of most recently adopted constitutions.<sup>10</sup>

#### CONSTITUTIONAL CONVENTION OF 1845.

Before the meeting of the Constitutional Convention of 1845, two series of amendments to the Constitution of 1820 had been adopted by the Legislature. The first group originally included ten sections proposed in less than one year after the adoption of the Constitution and seven of the sections were ratified in 1822.<sup>11</sup> Most of the amendments were intended to change those sections of the Constitution which provided a minimum salary of \$2,000 for the Governor, Chancellor and Judges of the Supreme and circuit courts. These sections had been the subject of repeated opposition in the Constitutional Convention.<sup>12</sup> As amended

<sup>8</sup>Constitution, 1820, Art. IV. Sec. 23.

<sup>9</sup>Constitution, 1820, Art. XII.

<sup>10</sup>Shoemaker, *Missouri's Struggle for Statehood*, p. 250.

<sup>11</sup>Revised Statutes, 1825, Vol. I, pp. 65-67.

<sup>12</sup>Journal, Convention 1820, pp. 20, 21, 23, 24, 40.

the Legislature was left free to fix the compensation of these officials. Other amendments abolished the office of Chancellor but left the General Assembly power to establish a court or courts of chancery. United States officials who were already ineligible to election as members of the General Assembly<sup>13</sup> were by one of these amendments disqualified to hold any office of profit under the State of Missouri.

The amendments as originally proposed by the Legislature in 1821 included sections transferring the power of appointing judges and the Auditor, Secretary of State and Attorney-General from the Governor to houses of the Legislature in joint session,<sup>14</sup> but these failed of ratification by the subsequent General Assembly. Notwithstanding this fact, one of the amendments proposed in 1821, which provided that the offices of the judges of the Supreme and circuit courts should expire at the end of the first session of the next General Assembly or as soon as their successors should be elected and qualified, was ratified in 1822.

The second group of amendments as proposed in 1833 was chiefly concerned with changes in the tenure and terms of judges and clerks of courts.<sup>15</sup> It was proposed to take the power of appointment from the Governor and, in the case of the clerks, from the courts, and to abolish the provision under which all of such officials held office during good behavior. The Supreme Court Judges were to be elected by a joint session of the General Assembly while the circuit judges and the clerks of the county and circuit courts were to be elected by the voters of the circuits and counties respectively. All of these officials were to hold office for terms of six years. The offices of existing judges and clerks were to be vacated and provision was made for the election of their successors. When these amendments were submitted to the Eighth General Assembly, all were rejected except those relating to clerks of the county and circuit courts and the vacation of the offices of existing circuit

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<sup>13</sup>Constitution, 1820, Art. III, Sec. II.

<sup>14</sup>Laws, 1821, p. 38.

<sup>15</sup>Laws of Missouri, 1832-33, pp. 3, 4.

judges.<sup>16</sup> It was contended by a circuit judge that inasmuch as the section for vacating the offices of circuit judges had been proposed in connection with the one providing a different term for circuit judges, the failure of the Legislature to ratify the latter made the former of no effect, notwithstanding its ratification. The Supreme Court held however the section providing for the vacation of the offices of circuit judges was an independent amendment and could stand alone.<sup>17</sup>

The failure of the attempt to introduce the elective principle and the limited term in the cases of judicial officers was partly responsible for the movement for a constitutional revision which commenced about this time. The population of the State which was only 66,586 in 1820 had increased to 383,702 in 1840 and by 1845 probably amounted to 500,000. It was naturally felt that the quarter century had introduced changes which made a revision desirable. The campaign received legislative approval in 1843.<sup>18</sup> In default of any definite provision in the Constitution of 1820 regarding general revision, the Legislature, in accordance with the prevailing constitutional principle, provided for a Constitutional Convention subject to the approval of the voters. This approval was given in 1844 by an overwhelming majority.<sup>19</sup> The act of 1843 provided that the Convention should consist of delegates chosen from the senatorial districts, each district electing twice as many delegates as the number of senators to which it was entitled. In August, 1845, sixty-six delegates were elected from the twenty-eight districts and the Convention met in Jefferson City on November 17, 1845.<sup>20</sup> The Convention was in session for nearly two months, adjourning on January 14, 1846. In contrast with the

<sup>16</sup>Revised Statutes, 1835, Vol. I, pp. 34, 35. Amendments which had been proposed in 1833 for changes in the northwestern and northeastern boundaries of the State were ratified in 1834.

<sup>17</sup>State v. McBride, 4 Mo. 303.

<sup>18</sup>Laws, 1842-3, pp. 26-28.

<sup>19</sup>Revised Statutes, 1845, p. 54 note. In 1835 a similar proposition had been rejected: Ter. Laws, Vol. II, pp. 433-435.

<sup>20</sup>Official Manual, 1915-16, p. 164.



practical unanimity with which the Constitution of 1820 was adopted, the vote in the Convention of 1845 was forty-nine to thirteen. The negative vote foreshadowed opposition when, as provided in the Constitution, it was submitted to the voters in August, 1846. The Constitution was rejected by a majority of over 9,000 in a total vote of 60,000.<sup>21</sup> Notwithstanding the defeat of the Constitution it will be desirable in this sketch of constitutional evolution to consider some of the more important features which distinguished it from the Constitution of 1820.

While the new document was somewhat larger in size, there did not yet appear those numerous provisions regulating and restricting the Legislature in detail. Significant, however, were the provisions restricting legislative power in incurring State debts, creating banks, lotteries and other corporations, granting divorces, regulating duels and passing private and local bills.<sup>22</sup> The growing lack of confidence in the Legislature is also manifested in the provisions that no session shall continue longer than sixty days,<sup>23</sup> and in the requirement of a popular referendum upon constitutional amendments which could be proposed every four years by an absolute majority in each house of the Legislature.<sup>24</sup> The most important changes proposed, however, were those regarding the basis of representation in the House of Representatives and the tenure and term of judges.

It will be recalled that under the Constitution of 1820 each county was entitled to at least one Representative and the total number of Representatives could not exceed one hundred.<sup>25</sup> In 1845 there were ninety-six counties in Missouri and it was quite clear that additional counties would be created in the near future. Under these conditions, it was evident that the rule of apportionment according to white male population could not be carried out and that the counties with large population would have no more

<sup>21</sup>Ibid.

<sup>22</sup>Constitution, 1845, Art. III, Secs. 31, 32, 34, 38, 39; Art. VIII.

<sup>23</sup>Ibid., Art. III, Sec. 24.

<sup>24</sup>Ibid., Art. X.

<sup>25</sup>Constitution, 1820, Art. III, Sec. 2.



representation than the smallest counties. On the other hand after the number of counties reached one hundred, no new counties could be created without violating the above constitutional rule. In the Convention there was a contest between those who favored the plan of giving each county at least one Representative and those who advocated the establishment of a ratio and the refusal of representation to counties having less than this ratio. A compromise was effected and a ratio secured by dividing the total number of free white inhabitants by one hundred. Counties were given representatives according to their ratios as follows:

For three-fifths ratio, one representative; for one and two-thirds ratios, two representatives; for two and two-thirds ratios, three representatives; for four ratios, four representatives and so on above that number giving one additional member for each additional ratio. Counties containing less than three-fifths ratio which were contiguous to each other were to be joined into districts containing two-thirds ratio and given one member, but a county having less than three-fifths ratio which was not contiguous to another similar county was to be given one member.<sup>26</sup> While this provision did not go into effect, it was of some influence in determining the basis of representation adopted by constitutional amendment in 1849.<sup>27</sup>

On the question of the tenure and term of judges a compromise was also made. Supreme Court Judges continued to be appointed by the Governor while circuit judges were to be elected by the voters of the circuit. The terms of office were twelve and six years respectively.

#### CONSTITUTIONAL AMENDMENTS, 1849-1865.

The rejection of the draft Constitution in August, 1846, was followed by numerous proposals for the amendment of the Constitution. As it required the joint action of two Legislatures to ratify, the first actual changes in the Con-

<sup>26</sup>Constitution, 1845, Art. III, Sec. 2.

<sup>27</sup>Laws, 1848-49, p. 6.

stitution were not made until the session of 1848-49. Each succeeding General Assembly down to the Civil War ratified one or more constitutional amendments. The two most important changes proposed by the Constitution of 1845 were carried into effect in modified form by amendments ratified in 1849. As regards the judiciary, the appointive principle was retained for circuit as well as Supreme judges but the terms were changed to eight and twelve years respectively.<sup>28</sup> At the same session, however, an amendment was proposed which being ratified by the Legislature at its session in 1850-51, established the elective principle for both sets of judges and a uniform term of six years.<sup>29</sup> At the same time amendments were ratified which, by introducing elective tenure in the offices of Secretary of State, Attorney-General, Auditor, Treasurer and Registrar of Lands, led to the introduction of the long ballot in Missouri State elections.<sup>30</sup>

The contest over the basis of representation in the House of Representatives was also settled by an amendment adopted in 1849.<sup>31</sup> While the plan of establishing a ratio introduced in the Constitution of 1845, was adopted, the divisor used in determining the ratio was one hundred and forty instead of one hundred. The smaller counties achieved a victory in the provision that a county with less than the ratio was nevertheless entitled to one Representative. Finally, there was now evidenced the desire to discriminate against the more populous counties by increasing progressively the number of ratios required for each additional Representative above two. Thus, for example, while a county with one and three-fourth ratios was entitled to two Representatives it was necessary to have three ratios for three Representatives; four and one-half for four Representatives; thirteen for eight Representatives, and twenty-four for twelve Representatives. The plan adopted, it is true, gave the more populous counties more representation

<sup>28</sup>Laws, 1848-49, p. 8.

<sup>29</sup>Laws, 1850-51, pp. 45, 50.

<sup>30</sup>Ibid., pp. 47, 48.

<sup>31</sup>Laws, 1848-49, p. 6.

than the previously existing system which, under the constitutional provision restricting the number of Representatives to one hundred, practically gave each county only one Representative. It was, however, much less in accord with the principle of popular representation than the provision of the constitution of 1845 and it foreshadowed further discrimination in the future against the large centers of population.

The same amendment which fixed the basis of representation restricted the Legislature's power to reduce the size of existing counties or to create new counties with less than five hundred square miles or to give separate representation to any new county unless the latter contained, when established, free white inhabitants equal to three-fourths of the ratio of representation. It also settled the question of limiting the legislative session by fixing the existing compensation of members of three dollars a day as the maximum for sixty days after which time they were to receive not exceeding one dollar per day except at a revising session when the higher amount could be received for one hundred days. While this provision was abolished by subsequent amendment in 1857.<sup>32</sup> it furnished the model upon which similar provisions in the Constitution of 1875 were based.

The limitation upon legislative power to grant divorces which had been incorporated in the Constitution of 1845,<sup>33</sup> was finally secured through the ratification of an amendment in 1853.<sup>34</sup> In 1857 the article on banks was changed so as to give the Legislature power to charter not exceeding ten banks with an aggregate capital not in excess of twenty millions of dollars.<sup>35</sup> Two years later, the Legislature was forbidden to incur any State debt or liability in excess of thirty millions of dollars, except in case of war.<sup>36</sup> The Constitution of 1845 contained a provision prohibiting the Legislature from creating any State debt to exceed at any time

<sup>32</sup>Laws, 1856-57, p. 5.

<sup>33</sup>Art. III, Sec. 32.

<sup>34</sup>Laws, 1852-53, p. 3.

<sup>35</sup>Laws, 1856-57, p. 6.

<sup>36</sup>Laws, 1858-59, p. 3.

twenty-five thousand dollars, without the consent of a majority of the voters.<sup>37</sup> In support of this provision the president of the Constitutional Convention of 1845 pointed out the danger that the Legislature, if not restricted, would incur huge debts to aid in the building of railroads.<sup>38</sup> His words were prophetic as in 1859, when the above amendment was passed, the amount of State credit loaned to railroads aggregated approximately twenty-five million dollars.<sup>39</sup>

The last amendment to the Constitution of 1820, adopted by the Legislature in 1861,<sup>40</sup> like one adopted in 1855,<sup>41</sup> was intended to validate the creation of a county smaller in area or population than permitted by the amendment dealing with the basis of representation which was adopted in 1849.<sup>42</sup>

#### CONVENTION OF 1861-63.

It has been pointed out<sup>43</sup> that the Convention called in 1861 was not chosen for the purpose of modifying the Constitution of the State. In its second and subsequent sessions, however, this Convention found it necessary at times to carry on a provisional government and it assumed the authority to amend the Constitution from time to time. An ordinance of July 30, 1861, vacated the offices of the Governor, Lieutenant-Governor, Secretary of State and members of the Legislature and provided for the choice of their successors.<sup>44</sup> On October 12, 1861, the Convention provided for the abolition of certain offices, the reduction of salaries of others and a test oath for all civil officials.<sup>45</sup>

<sup>37</sup>Art. III, Sec. 31.

<sup>38</sup>R. W. Wells. A Review of the New Constitution of the State of Missouri, p. 9. Pamphlet bound with Journal of Constitution Convention of 1845, in Library of State Historical Society of Missouri.

<sup>39</sup>Report of Auditor of Public Accounts Appendix, Journals of the twentieth General Assembly, pp. 52, 53.

<sup>40</sup>Laws, 1860-61, p. 4.

<sup>41</sup>Laws, 1854-55, p. 4.

<sup>42</sup>Laws, 1848-49, p. 6.

<sup>43</sup>Ante, p. 189.

<sup>44</sup>Appendix, Journal of Convention, June, 1862, p. 3.

<sup>45</sup>Ibid., p. 5.

This was followed in June, 1862, by an ordinance prescribing test oaths for all voters, officials, jurymen, attorneys, teachers, preachers, and officials of corporations.<sup>46</sup> At the same session it changed the constitutional date for general elections from August to November,<sup>47</sup> and at its last session in 1863 passed a similar ordinance regarding the date for electing judges.<sup>48</sup> Finally, at its last session, the Convention passed an ordinance abolishing those provisions of the Constitution which restricted the Legislature's power over slavery and providing a plan for the gradual emancipation of slaves in Missouri.<sup>49</sup>

#### CONSTITUTIONAL CONVENTION OF 1865.

Gradual emancipation was no longer acceptable and the demand arose for a new Constitutional Convention. This resulted in 1864 in the passage of an act providing for the submission of the question to the voters at the November election,<sup>50</sup> when the proposition carried by a large majority. As was true of the Convention of 1845, each senatorial district was entitled to twice as many delegates as it had senators. At this time there were twenty-nine districts each electing two delegates except the twenty-ninth (St. Louis county) which elected ten delegates. In accordance with the act of 1864, the delegates were chosen at the November election, when the question was submitted to the voters, and the Convention met at St. Louis on January 6, 1865.<sup>51</sup> The Convention was in session three months, adjourning on April 10, 1865. The Constitution was adopted by a vote of thirty-eight to thirteen and ratified on June 6, 1865, by the small majority of 1,862 in a total vote of 85,478.<sup>52</sup>

The Constitutional Convention act provided that the Convention should consider first, amendments necessary for

<sup>46</sup>Ibid., p. 13.

<sup>47</sup>Ibid., p. 21.

<sup>48</sup>Appendix, Journal of Convention, June, 1863, p. 3.

<sup>49</sup>Ibid., p. 4.

<sup>50</sup>Laws, 1863-64, pp. 24-26.

<sup>51</sup>Ibid.

<sup>52</sup>Journal, Convention, 1865, p. 280.

the emancipation of slaves and, second, those necessary to restrict suffrage to loyal citizens and such other amendments essential to the public good.<sup>53</sup>

While the Convention decided to make a general revision of the Constitution, its decisions on the two enumerated matters were of greatest importance. The question of slavery was disposed of on the fifth day when an ordinance decreeing immediate and unconditional emancipation was passed by a vote of sixty to four.<sup>54</sup> The substance of this ordinance became section two of Article I of the new Constitution.

The suffrage question was of so much importance that the entire Article II was devoted to it. The general qualifications were substantially the same as in the Constitution of 1820 with two exceptions. An alien who had declared his intention to become a citizen of the United States not less than one year nor more than five years and who was otherwise qualified, could vote.<sup>55</sup> After January 1, 1876, all persons not qualified voters before that date must be able to read and write in order to vote, unless the inability was the result of physical disability.<sup>56</sup> Negro suffrage was not established by the Constitution but in 1867 the Legislature submitted an amendment for this purpose,<sup>57</sup> which was rejected by the voters of 1868. Two years later a similar provision was combined with an abrogation of the "iron-clad oath" and other objectionable sections of the Constitution of 1865<sup>58</sup> and ratified later in the year by the voters.<sup>59</sup>

In the matter of disqualifications for voting, however, important changes were introduced. These made the Constitution of 1865 notorious and unpopular, and were the chief factors contributing to its revision. The disqualifications for voting, office holding and the practice of professions

<sup>53</sup>Laws, 1863-4, p. 25.

<sup>54</sup>Journal, Convention of 1865, pp. 25-27.

<sup>55</sup>Constitution, 1865, Art. II, Sec. 13.

<sup>56</sup>Ibid., Sec. 19.

<sup>57</sup>Laws, 1867, p. 12.

<sup>58</sup>Laws, 1870, p. 503.

<sup>59</sup>See below, p. 203.

which had been introduced by the Convention during the war were continued and made much harsher and more sweeping, with the effect that practically all who had in any way sympathized with the South were disqualified.<sup>60</sup> In order to enforce these restrictions, all persons affected were required to take an oath whose character is shown in the name "iron-clad oath" which came to be applied to it.<sup>61</sup> As regards the suffrage the restrictions were made more severe by the requirement for the registration of all voters under which the taking of the oath was a prerequisite to registration and voting, but not conclusive of the right to be registered or to vote which was finally passed upon by officials of registration.<sup>62</sup> The great opposition to these provisions is shown by the fact that though the Convention provided<sup>63</sup> that no one should vote on the ratification of the Constitution without taking the test oath there was only a very small majority in its favor.<sup>64</sup> The opposition continued and increased after the Constitution went into effect. The Legislature by an absolute majority in each house could suspend or repeal the disqualification of voters after January 1, 1871, and the disqualification in other cases after January 1, 1875.<sup>65</sup> Public opinion, however, was not willing to wait. In 1866 the United States Supreme Court declared the disqualifications for the practice of professions unconstitutional,<sup>66</sup> and in 1870 the Legislature proposed a series of amendments abrogating the remaining disqualifications and the test oath.<sup>67</sup> These were ratified at the November election by an overwhelming majority. Finally, an amendment proposed in 1873<sup>68</sup> and ratified the following year, abolished the section requiring general registration of voters, and substituted a provision giving the Legislature authority

<sup>60</sup>Constitution, 1865, Art. II, Sec. 3.

<sup>61</sup>Ibid., Secs. 5-14.

<sup>62</sup>Ibid., Sec. 5.

<sup>63</sup>Constitution, 1865, Art. XIII, Sec. 6.

<sup>64</sup>Ante, p. 201.

<sup>65</sup>Constitution, 1865, Art. II, Sec. 25.

<sup>66</sup>Cummings v. Missouri, 4 Wall. 277.

<sup>67</sup>Laws, 1870, pp. 502-504.

<sup>68</sup>Laws, 1873, p. 401.



to provide for registration in cities with more than ten thousand inhabitants.

The Constitution of 1865 omitted the articles in the Constitution of 1820 dealing with boundaries, internal improvement and permanent seat of government but added separate articles dealing with suffrage and impeachments. While it had one less article it had increased in size about fifty per cent and contained a total of about 15,000 words. About one-half of this increase was due to the suffrage article. The articles dealing with declarations of rights, banks and corporations, education, miscellaneous provisions and mode of amending the Constitution were also somewhat expanded, the latter article now including specific provision for a Constitutional Convention<sup>69</sup> and changing the process of amendment to the popular referendum proposed by the Constitution of 1845<sup>70</sup> except that the Legislature was unrestricted as to time in the proposal of amendments, and ratification now required only a majority of the votes cast on the amendments instead of a majority of the votes at the election.<sup>71</sup> This was an early recognition of one of the chief defects of popular referendum—the failure of the voters to cast a vote either yes or no on the proposition.

While the expansion of the Constitution was not as yet due to the inclusion of numerous positive restrictions upon the Legislature, some of these appear at this time. The power of special legislation had been abused<sup>72</sup> and the Legislature was expressly forbidden to enact special laws in thirteen classes of cases.<sup>73</sup> Moreover, it was not to pass any special law for any case in which a general law could be made applicable.<sup>74</sup> However, as the Supreme Court held that the question of applicability was left to the decision of the Legislature<sup>75</sup> the latter did not constitute an effective

<sup>69</sup>Constitution, 1865, Art. XII, Sec. 3.

<sup>70</sup>Ante, p. 196.

<sup>71</sup>Constitution, 1865, Art. XII, Sec. 2.

<sup>72</sup>See table in Harper, *Local and Special Legislation in Missouri*, Manuscript in Library of University of Missouri.

<sup>73</sup>Constitution of 1865, Art. IV, Sec. 27, Art. VIII, Secs. 4, 5.

<sup>74</sup>Ibid.

<sup>75</sup>Henderson v. County Court of Boone County, 50 Mo. 317.



limitation. While the provision limiting the amount of the State debt which was adopted in 1859<sup>76</sup> was not included, it was provided that the credit of the State should not be given or loaned in aid of any person or corporation and that this should not be done in the case of any county or local subdivision without the consent of two-thirds of the voters of such subdivision.<sup>77</sup> There was also apparent a tendency to introduce additional restrictions upon legislative procedure and at this time was established the provision that for the passage of bills an absolute majority with the yeas and nays entered upon the journal should be required.<sup>78</sup>

In the House of Representatives the basis of representation was determined according to the general plan adopted in 1849.<sup>79</sup> The divisor, however, was two hundred instead of one hundred and forty, resulting in a relatively smaller ratio and a larger House.<sup>80</sup> While this was advantageous to the larger counties it was offset by an increase in the number of ratios required for additional Representatives. While each county with one ratio or less to have one Representative, it took two additional ratios to secure a second Representative and for each additional Representative three ratios were required. This plan discriminated in favor of the smallest counties but operated proportionally among the larger counties, differing in this regard from the provisions of 1849 and the plan adopted in the Constitution of 1875. The single ticket plan of representation was introduced at this time, the county court being required to divide the county into as many compact and convenient districts as the number of representatives to which it is entitled, the districts to be as nearly as may be of equal population.<sup>81</sup> The same principle also was now established for the Senate which was to consist of thirty-four members each chosen for a separate district. The districts were to be fixed by the

<sup>76</sup>Ante, p. 199.

<sup>77</sup>Constitution, 1865, Art. XI, Secs. 13, 14.

<sup>78</sup>Constitution, 1865, Art. IV, Sec. 24.

<sup>79</sup>Ante, p. 198.

<sup>80</sup>Constitution, 1865, Art. IV, Sec. 2.

<sup>81</sup>Ibid.

Legislature, except in counties entitled to more than one Senator, where they were to be determined by the county court as in the case of Representatives.<sup>82</sup>

The principle of popular election as it had been extended in 1851 was retained for officials of the Executive and Judicial Departments except that the office of Registrar of Lands was no longer mentioned.<sup>83</sup> The terms of the executive officials except the Superintendent of Schools were reduced from four to two years.<sup>84</sup> Provision was made for dividing the State outside of the county of St. Louis into not less than five districts, each to embrace at least three judicial circuits. The circuit judges in each district were to constitute a district court which was to be an intermediate court of appeal between the circuit and Supreme Court.<sup>85</sup> The judges of the circuit court of St. Louis county sitting as a court in banc constituted a similar court.<sup>86</sup> In 1870, however, the Legislature proposed an amendment abolishing the district courts<sup>87</sup> and this was ratified by the voters. Two years later an amendment<sup>88</sup> was ratified which increased the number of Supreme Court judges to five and their terms to ten years.

Leaving aside actions such as suffrage and slavery, which were the direct outgrowth of the war, the Constitution of 1865 did not constitute any radical departure from its predecessor, as the latter had been modified by amendments adopted from time to time as indicated above. While provisions were incorporated for the purpose of checking or preventing certain evils which had arisen, there is not manifest any striking tendency to place undue restrictions upon the Legislature.

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<sup>82</sup>Constitution, 1865, Art. 4, Secs. 4-6.

<sup>83</sup>Constitution, 1865, Art. V, Sec. 16; Art. VI, Sec. 7, 14.

<sup>84</sup>Ibid., Art. V, Sec. 3, 12, 16; Art. IX, Secs. 3. The treasurer has a two-year term under the Constitution of 1820, Art. III, Sec. 31.

<sup>85</sup>Ibid., Art. VI, Sec. 12.

<sup>86</sup>Ibid., Art. VI, Sec. 18.

<sup>87</sup>Laws, 1870, p. 500.

<sup>88</sup>Laws, 1871-72, Resolutions, p. 3.

## CONSTITUTIONAL CONVENTION OF 1875.

While there is evidence that after the elimination of the "iron-clad oath" and its accompanying sections the people were fairly well satisfied with the Constitution of 1865, the overthrow of the radical Republicans in the election of 1870 made it inevitable that their chief work should be subjected to attack. In his inaugural message in 1871, Governor B. Gratz Brown advised the Legislature to consider the question of a Constitutional Convention.<sup>89</sup> Two years later, at the conclusion of his term, he renewed his recommendation in stronger words.<sup>90</sup> At the same time, the new Governor, Silas Woodson, a moderate Democrat who had been chosen as a compromise candidate, in his inaugural address, spoke at length upon the subject.<sup>91</sup> While recognizing that the Constitution still contained some objectionable provisions, he was unwilling to recommend a convention because of the expense and the danger that it would be a partisan body. He stated that both branches of the Republicans were opposed to revision and while some Democrats agreed with them he believed that Democrats only favored the proposition. Moreover, he believed that defects in the Constitution could be remedied by amendments proposed by the Legislature. Governor Woodson evidently became converted to the prevailing sentiment of his party as on March 25, 1874, he approved the "Act to authorize a vote of the people to be taken upon the question whether a convention shall be held for the purpose of revising and amending the Constitution of this State."<sup>92</sup> That he was right in his estimate of the opposition to the measure is shown by the fact that at the election the following November the proposition carried by a majority of only 283 in a total vote of 222,315.<sup>93</sup>

<sup>89</sup>Senate Journal, 26th General Assembly, p. 33.

<sup>90</sup>Senate Journal, 27th General Assembly, p. 20.

<sup>91</sup>Ibid., pp. 64-66.

<sup>92</sup>Laws, 1874, p. 57.

<sup>93</sup>Encyclopedia of the History of Missouri, Vol. II, p. 113.

Under the provisions of the Constitution,<sup>94</sup> the Governor ordered an election to be held on January 26, 1875, at which two delegates were elected from each of the thirty-four senatorial districts. In accordance with the act of 1874,<sup>95</sup> the Convention met in the Capitol at Jefferson City on May 5, 1875. It was in session about one week less than the Convention of 1865, adjourning on August 2, 1875. The Constitution was adopted by the unanimous vote of the sixty members present and was later signed by all sixty-eight members. It was ratified at a special election on October 30, 1875, by the large majority of 76,688.<sup>96</sup> The total vote, 91,205, was only forty-one per cent of the vote cast the preceding November on the question of holding a Convention. The fact that the vote on the question of ratification was cast at a special election is probably the chief cause for the decrease. The large increase in the majority was doubtless due to popular approval of some of the changes proposed by the Constitutional Convention. Before adjourning the Convention unanimously adopted an address to the people containing a "brief statement of the more important changes proposed, with some of the advantages supposed to result from these changes."<sup>97</sup> While some of the benefits anticipated have not been realized, the statement is of much value as an expression of the opinion of those who were instrumental in drafting the new provisions.

The most obvious difference between the new Constitution and its predecessors is in its size, which showed an increase of nearly 200 per cent over the Constitution of 1820 and of 100 per cent over that of 1865. In seeking an explanation for this increase it is first to be noted that the Constitution of 1875 consisted of fifteen articles and a schedule. A brief article dealing with boundaries was restored and two new articles devoted to counties, cities and towns and

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<sup>94</sup>Constitution of 1865, Art. XII, Sec. 3.

<sup>95</sup>Laws, 1874, p. 57.

<sup>96</sup>Encyclopedia of History of Missouri, Vol. II, p. 114.

<sup>97</sup>See Journal Mo. Const. Conv. 1875, Edited by Loeb and Shoemaker, p. 876.

to revenue and taxation were now added. These two articles account for about one-third of the increase over the Constitution of 1865. There was a considerable decrease in the size of the article dealing with suffrage and elections, which was more than offset by increases in the article dealing with the judiciary, education, corporations and militia. The greatest increase, however, is found in the article on the Legislative Department, which expanded more than 200 per cent. As the provisions in the articles on counties, cities and towns, revenue and taxation, and the other articles indicated above are in effect almost entirely limitations upon legislative power it may be concluded that the expansion in the size of the Constitution was due to a growing lack of confidence in the Legislature and to the desire of the people to regulate matters for themselves. Each of these causes would lead to the placing of restrictions upon the Legislature, the former in a positive form while the latter would result in placing in the Constitution regulations in detail which would constitute a check upon legislative action regarding such matters.

There is plenty of evidence that there had developed a lack of confidence in the Legislature. This was manifested by provisions in the Constitution of 1865 and constitutional amendments adopted from time to time as well as in messages of Governors McClurg, Brown, Woodson and Hardin.<sup>88</sup> Among the most important causes for this popular distrust was the abuse of the power of special legislation and the policy of authorizing State and local aid for railroads. As a result of the latter the State as well as counties, townships, cities and other local subdivisions had incurred large debts with resulting increase of taxes. The Civil War and later the panic of 1873 had increased the difficulties of the situation and had caused serious embarrassment in State and local finances.<sup>89</sup> The members of

<sup>88</sup>Senate Journals; 1871, pp. 19, 20; 1873, p. 27; 1874, p. 17; 1875; pp. 27, 40.

<sup>89</sup>Million, *State Aid to Railways in Missouri*.

the Constitutional Convention had personal experience with these conditions and their constituents were demanding relief and safeguards for the future. As a result the Constitution of 1875 was distinguished for possessing greater restrictions upon legislative power than any of its contemporaries in other states and today there are few state constitutions which can compare with the strictness of its provisions.<sup>100</sup>

Some members of the Convention wished to change the prevailing rule of interpretation of the powers of the Legislature by providing that the General Assembly should have only such powers as are granted to it.<sup>101</sup> While this extreme position was not adopted, the prevailing tendency is shown by the fact that in drafting the article on the Legislature the Convention set off sections 43 to 56 inclusive under the specific title, "Limitation of Legislative Power." As previously indicated, however, important limitations upon legislative power are contained in other articles.

In considering the restrictions upon the Legislature introduced by the Constitution of 1875, it is natural to begin with financial limitations as these were the most striking and of greatest significance. In the endeavor to prevent the impairment of public credit through the creation of large debts, the Convention did not follow the policy adopted in 1859<sup>102</sup> of fixing a maximum, but returned to the plan proposed in the Constitution of 1845,<sup>103</sup> increasing the amount of debt which could be incurred from the \$25,000 proposed in 1845 to \$250,000, but requiring for any debt in excess of this amount the consent of two-thirds of the voters instead

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<sup>100</sup>Dry, *The Article on the Legislature in the Missouri Constitution of 1875*. Manuscript in Library of University of Missouri. This graduate dissertation is a study of the evolution of the Article on the Legislature in the Constitutional Convention of 1875, and includes a comparison of its provisions with those of similar articles in the Constitution of 1820 and 1865 and in contemporary constitutions in other American states.

<sup>101</sup>*Ibid.*, pp. 121-123. See *Journal Mo. Const. Conv. 1875*, edited by Loeb and Shoemaker, p. 175.

<sup>102</sup>*Ante*, p. 199.

<sup>103</sup>*Ante*, p. 199.

of a mere majority as under the earlier plan.<sup>104</sup> The same general plan was followed as regards counties, cities, school districts and other subdivisions. No debt could be incurred in any year in excess of the revenue for such year without the consent of two-thirds of the voters, but there was the further important restriction that even with such consent the total debt of any such locality should not exceed five per cent of the value of the taxable property of such district, except for the erection of a court house or jail.<sup>105</sup> It was also required that in all such cases provision must be made for a tax sufficient to pay the interest and to retire the principal within thirteen years in the case of the State and within twenty years in other cases. There was also retained the provision of the Constitution of 1865<sup>106</sup> prohibiting the giving, loaning, or pledging of the credit of the State in aid of any person or corporation<sup>107</sup> and counties and other local subdivisions were now subject to a similar requirement,<sup>108</sup> instead of being permitted to do this with the consent of the voters as in 1865.<sup>109</sup>

The power of raising revenue by taxation was also seriously restricted. The Constitution of 1865 provided that no property should be exempt from taxation except that used exclusively for public schools, and that belonging to the United States, the State and local subdivisions.<sup>110</sup> Aside from this provision the Constitution of 1820 and 1865 left the Legislature entirely free in establishing the system of taxation. While the Constitution of 1875 modified the above restriction by permitting the Legislature to enact

<sup>104</sup>Constitution, 1875, Art. IV, Sec. 44. It is interesting to note that the requirement for a two-thirds vote has been evaded by having bonds authorized by amendments of the Constitution which require only a majority vote for adoption. Thus, in November, 1920, two amendments were adopted authorizing \$1,000,000 and \$60,000,000 in bonds for "soldier settlement" and "good roads" respectively and \$15,000,000 in bonds were authorized for "soldiers' bonus" by an amendment adopted at the special election in August, 1921.

<sup>105</sup>*Ibid.*, Art. X, Sec. 12.

<sup>106</sup>*Ante*, p. 205.

<sup>107</sup>Constitution, 1875, Art. IV, Sec. 45.

<sup>108</sup>*Ibid.*, Sec. 47.

<sup>109</sup>*Ante*, p. 205.

<sup>110</sup>Constitution, 1865, Art. XI, Sec. 16.



general laws exempting a limited amount of property from taxation when used exclusively for educational, religious or charitable purposes,<sup>111</sup> it went much further in the other direction and imposed restrictions upon the power of the Legislature to determine the kind and rate of taxation and its method of assessment and apportionment for State and local purposes. The general property tax system had been established for many years as a result of legislative enactment, but the provisions of Article X of the Constitution of 1875 made this system compulsory upon the Legislature. As the evil results of uncontrolled local assessments had made themselves manifest, the Constitution provided for a State Board of Equalization.<sup>112</sup> Unfortunately, however, by providing that this board should consist of the Governor, State Auditor, Treasurer, Secretary of State and Attorney-General, the Constitution prevented the Legislature from establishing an efficient central control over the local assessing officials.

A low maximum tax rate was fixed for State purposes,<sup>113</sup> and local authorities in counties, cities and towns and schools were limited by the establishment of similar maximum rates.<sup>114</sup> The latter rates could be increased for the purpose of erecting public buildings when approved by two-thirds of the voters and for general school purposes a higher rate, not exceeding a second maximum, could be voted by a majority of the taxpaying voters.<sup>115</sup> As these maximum rates were not established on any logical basis, serious inconvenience and hardship have resulted from their operation. Thus, for example, the maximum rate for State purposes was fixed at twenty cents on the hundred dollars valuation of property but it was provided that when the taxable property of the State amounted to nine hundred million dollars the rate should not exceed fifteen cents. When in 1892 it became necessary to reduce the rate to fifteen cents because the valuation exceeded nine hundred million there

<sup>111</sup>Constitution, 1875, Art. X, Sec. 6.

<sup>112</sup>Ibid., Sec. 18.

<sup>113</sup>Ibid., Art. X, Sec. 8.

<sup>114</sup>Ibid., Art. X, Sec. 11.

<sup>115</sup>Ibid.



was an actual loss in State revenue from this source of nearly four hundred thousand dollars for that year.<sup>116</sup> The rates for local purposes were even more illogical and arbitrary. In the case of counties they varied according to assessed value, in some cases increasing and in others decreasing with an increase in the valuation. In cities the basis was population and here the arrangement was more scientific as the rates uniformly increased with increase in population. There was a flat rate of forty cents for school purposes in all districts but this could be increased in the manner indicated above to one dollar in town and city school districts, while without any rational basis of distinction, rural school districts were restricted to sixty-five cents.

The legislative power of apportioning taxes was restricted by provisions requiring all property to be taxed in proportion to its value,<sup>117</sup> and establishing the rule of uniformity as regards the same class of subjects within the territorial limits of the taxing authority.

The Constitution likewise limited the legislative power to control expenditures. Both of the previous Constitutions had provided that no money should be paid out of the treasury except as appropriated by law,<sup>118</sup> and an amendment adopted in 1870 had prohibited any appropriation or donation by the State or localities in aid of any religious purpose or organization.<sup>119</sup> The Constitution of 1875 not only continued these restrictions,<sup>120</sup> but added others of importance. The order in which appropriations should be made was set forth under seven heads, the last including appropriations for the pay of the General Assembly with the evident purpose of insuring that none of the preceding items would be omitted or overlooked before adjournment.<sup>121</sup> The third item of appropriations was for free public school purposes. The Constitution also provided that

<sup>116</sup>Report, State Auditor, 1891-92, p. 21.

<sup>117</sup>Constitution, 1875, Art. X, Sec. 4.

<sup>118</sup>Constitution, 1820, Art. III, Sec. 31; Constitution, 1865, Art. XI, Sec. 6.

<sup>119</sup>Laws, 1870, p. 501.

<sup>120</sup>Constitution, 1875, Art. IV, Sec. 43; Art. XI, Sec. 11.

<sup>121</sup>Ibid., Art. IV, Sec. 43.

not less than 25 per cent of the State revenue, exclusive of the interest and sinking funds, should be set aside annually for the support of public schools.<sup>122</sup> The Legislature was also forbidden to give or to authorize any county or other locality to give public money or thing of value to any individual or corporation except in case of public calamity.<sup>123</sup>

Second in importance only to the financial limitations were the restrictions upon special legislation. As previously indicated,<sup>124</sup> this power of the Legislature had been abused, with the result that the Constitution of 1865 prohibited its exercise in thirteen classes of cases and undertook to prevent it in all cases in which a general law could be made applicable. While the prohibition prevented special legislation in the cases enumerated, the latter provision was not effective as the Legislature could determine the question of applicability. Hence the evil continued during the next decade, the percentage of local and special acts exceeding that of public general laws.<sup>125</sup>

The members of the Constitutional Convention of 1875 were well aware of the extent and evils of special legislation and they proceeded to adopt effective limitations. In the first place the number of cases in which the Legislature was absolutely forbidden to enact special laws was increased to thirty-two.<sup>126</sup> In the next place while the Constitution of 1865 was followed in forbidding special legislation in all cases where a general law could be made applicable, the entire matter of applicability was expressly made a judicial question to be "judicially determined without regard to any legislative assertion on that subject."<sup>127</sup> While the Legislature retained the power of repealing existing special laws it was forbidden to indirectly enact a special law by the partial repeal of a general law.<sup>128</sup> Finally, for the cases outside

<sup>122</sup>Ibid., Art. XI, Sec. 7.

<sup>123</sup>Ibid., Sec. 46, 47.

<sup>124</sup>Ante, p. 204.

<sup>125</sup>See table in Harper, *Local and Special Legislation in Missouri*, Manuscript in Library of University of Missouri.

<sup>126</sup>Constitution, 1875, Art. IV, Sec. 53.

<sup>127</sup>Ibid.

<sup>128</sup>Ibid.

of the enumerated classes where a general law could not be made applicable, the Legislature's power to enact a special law was restricted by a provision requiring publicity of the proposed measure for thirty days prior to its introduction as a bill.<sup>129</sup> The effectiveness of these restrictions is shown in the great reduction in the mass of legislation following the inauguration of the Constitution of 1875. The average number of pages in the session acts of a General Assembly during the decade after the adoption of the Constitution was only 275 as compared with 769 during the preceding ten years.<sup>130</sup>

Among the matters concerning which the Legislature was forbidden to enact special laws there were a number affecting counties, cities, townships, etc. The subject of local government, moreover, had assumed so much importance that a separate article was devoted to counties, cities and towns, and the Legislature's power in the field was correspondingly reduced. Provisions which already existed regarding changes in the size of counties and removal of county seats were continued and amplified.<sup>131</sup> While the Constitution did not undertake to regulate county organization in detail, it provided as did the Constitutions of 1820 and 1865 for the election of a sheriff and coroner in each county.<sup>132</sup> Provision was also made for a county court to transact county business<sup>133</sup> and express constitutional authorization was given for a township organization law which could be adopted by the voters of any county.<sup>134</sup> While the Constitution forbade special legislation regarding cities, it did not make a single uniform organization necessary. The Legislature was authorized to classify cities in not exceeding four groups and to make provisions by general law so that the cities in each class would possess the same powers.<sup>135</sup>

<sup>129</sup>Constitution, 1875, Art. IV, Sec. 54.

<sup>130</sup>Harper, *Local and Special Legislation in Missouri*.

<sup>131</sup>Constitution, 1875, Art. IX, Secs. 2-5.

<sup>132</sup>*Ibid.*, Secs. 10, 11.

<sup>133</sup>Constitution, 1875, Art. VI, Sec. 36.

<sup>134</sup>*Ibid.*, Art. IX, Secs. 8, 9.

<sup>135</sup>*Ibid.*, Sec. 7.

It is interesting to note, moreover, that despite the restrictions upon special legislation, the Constitution recognized the necessity for it in the case of large cities but left such power in the hands of the voters of the city. This was done through the invention of the "home rule charter" provision. While this was introduced for the benefit of St. Louis,<sup>136</sup> similar sections were adopted for any city with more than one hundred thousand inhabitants.<sup>137</sup>

Under these provisions the voters of the city may elect a board to draft a charter subject to certain constitutional restrictions and if this charter is later ratified by the voters, becomes the organic law of the city. While the "home rule" provisions do not entirely exempt the cities from control by the Legislature,<sup>138</sup> they give them much greater freedom in determining their organization and activities and are justly regarded as a valuable contribution to the betterment of city government not only in Missouri but in many other states.<sup>139</sup> It should finally be noted in this connection that the provisions of the Constitution regarding St. Louis authorized the separation of the city from the county and provided that after such separation the city for purposes of representation in the Legislature, collection of State revenue, and all other functions in relation to the State, should be treated in the same manner as if it were a county.<sup>140</sup>

Before leaving the subject of limitations upon the Legislature it is desirable to note the introduction in the Constitution of 1875 of numerous provisions restricting legislative procedure. A few regulations of this nature appeared in the Constitution of 1820 and these were expanded in 1865. In 1875, however, the subject was considered so important that nineteen sections of the legislative article were grouped under the title "Legislative Proceed-

<sup>136</sup>Ibid., Secs. 20-25.

<sup>137</sup>Ibid., Secs. 16, 17.

<sup>138</sup>See for a discussion of the decisions of the Supreme Court on this point, Harper, *Local and Special Legislation in Missouri*.

<sup>139</sup>See McBain, *Law and Practice of Municipal Home Rule*.

<sup>140</sup>Constitution, 1875, Art. IX, Secs. 20-25.

ings."<sup>141</sup> These included the restrictions which had appeared in previous constitutions with significant changes and additions, all indicating distrust of the Legislature and desire to establish safeguards against hasty and ill considered legislation. It was specifically provided that no law should be passed except by bill<sup>142</sup> which must be reported upon by a committee, printed and read on three different days in each house.<sup>143</sup> The proviso in former Constitutions<sup>144</sup> giving each house by a two-thirds vote the power to suspend the latter rule was now omitted. The requirement for an absolute majority on a yea and nay vote for the passage of bills, introduced in 1865<sup>145</sup> was retained,<sup>146</sup> and the same rule was now applied to the approval by one house of amendments to its bills which have been adopted by the other and to the adoption of reports of conference committees.<sup>147</sup>

As in 1845 and 1865, the most important question relating to the organization of the Legislature was that of the basis of representation in the lower House. The proposals submitted by members of the Convention ranged from that of representation proportioned to population as in the Senate, to that of one Representative for each county, regardless of its size.<sup>148</sup> The St. Louis members naturally favored the former plan, but as they recognized that it was hopeless, they concentrated their strength upon the demand for a reduction in the number of ratios required for additional Representatives. While they were not completely successful in their efforts and insisted upon presenting a minority report, the plan recommended by the committee and adopted by the Convention was more favorable to the larger counties than that contained in the Constitution of 1865.<sup>149</sup>

<sup>141</sup>Constitution, 1875, Art. IV, Secs. 24-42.

<sup>142</sup>Ibid., Sec. 25.

<sup>143</sup>Ibid., Secs. 26, 27.

<sup>144</sup>Constitution, 1820, Art. III, Sec. 21; Constitution, 1865, Art. IX, Sec. 23.

<sup>145</sup>Constitution, 1865, Art. IV, Sec. 24.

<sup>146</sup>Constitution, 1875, Art. IV, Sec. 31.

<sup>147</sup>Ibid., Sec. 32.

<sup>148</sup>Dry, *The Article on the Legislature in the Missouri Constitution of 1875*, pp. 11-35, Manuscript in Library of University of Missouri.

<sup>149</sup>Constitution, 1865, Art. IV, Sec. 2.

The ratio was determined in the same manner, by dividing the population of the State by two hundred.<sup>150</sup> As before, each county with one ratio or less was to have one Representative. However, instead of two additional ratios for the second Representative and three additional ratios for each additional Representative, as fixed in the Constitution of 1865, it was now provided that one and one-half additional ratios should be sufficient for the second Representative, the same number for the third, two additional ratios for the fourth and two and one-half additional ratios for each additional Representative in excess of four.<sup>151</sup> Under the plan adopted it was estimated that the larger counties would receive twelve additional Representatives and that of these St. Louis county, including the city of St. Louis, would receive three.<sup>152</sup> While the new system was not nearly so favorable to the more populous counties as the provision in the proposed Constitution of 1845,<sup>153</sup> it was less discriminating than the plan included in the amendment of 1849,<sup>154</sup> and marked a distinct advance over the provisions in the constitution of 1865.<sup>155</sup>

The single ticket plan of representation introduced in 1865 was retained, though provision was made that when any county was entitled to more than ten representatives the circuit court should divide the county into districts so as to give each district not less than two, nor more than four Representatives.<sup>156</sup> No change was made in the apportionment of Senators but, as a check upon gerrymandering, it was provided that the districts should be "as nearly equal in population as may be,"<sup>157</sup> and that in districts containing two or more counties the latter should be contiguous, the districts as compact as may be, and in the formation of the

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<sup>150</sup>Constitution, 1875, Art. IV, Sec. 2.

<sup>151</sup>Ibid.

<sup>152</sup>See below, p. 877.

<sup>153</sup>Ante, p. 197.

<sup>154</sup>Ante, p. 198.

<sup>155</sup>Ante, p. 205.

<sup>156</sup>Constitution, 1875, Art. IV, Sec. 3.

<sup>157</sup>Ibid., Sec. 5.

same no county should be divided.<sup>158</sup> Moreover, as the Legislature after the census of 1870 had failed to redistrict the State, it was now provided that in the event that the Legislature should fail or refuse to divide the State into senatorial districts after each decennial census, such duty should be performed by the Governor, Secretary of State and Attorney-General.<sup>159</sup>

As a result of the tendency of the Legislature to hold adjourned sessions, the rule of annual sessions had practically been introduced. This was now prevented by the provisions that the General Assembly should meet in regular session once only in every two years,<sup>160</sup> and that any adjournment or recess for more than three days should constitute an adjournment *sine die*.<sup>161</sup> Additional evidence of a prevailing belief that there was too much legislation is found in the adoption of a plan for restricting the length of the session which was introduced by the amendment of 1849 but abolished again in 1857.<sup>162</sup> As reintroduced in the Constitution of 1875, it fixes a maximum compensation of five dollars a day for members of the Legislature with the provision that after the first seventy days of the session this shall be reduced to one dollar, except that in a revising session the reduction does not take effect until after the first one hundred and twenty days of the session.<sup>163</sup> Compensation for mileage, stationery, etc., was also strictly regulated.<sup>164</sup>

The tendency to restrict the Legislature manifested itself also in the form of increased power for the Executive. The number required to overcome the Governor's veto was now increased from the majority required under previous constitutions to two-thirds of all the members elected to each house.<sup>165</sup> Moreover, the content of the power was

<sup>158</sup>Ibid., Sec. 9.

<sup>159</sup>Ibid., Sec. 7.

<sup>160</sup>Ibid., Sec. 20.

<sup>161</sup>Ibid., Sec. 21.

<sup>162</sup>Ante, p. 199.

<sup>163</sup>Constitution, 1875, Art. IV., Sec. 16.

<sup>164</sup>Ibid.

<sup>165</sup>Ibid., Sec. 39.



enlarged by giving the Governor authority to veto specific items in appropriation bills.<sup>166</sup> Finally, recognition of the fact that there is a great congestion of bills at the close of a session resulted in giving the Governor thirty days within which to approve or disapprove any measure presented to him within ten days of the adjournment of the Legislature.<sup>167</sup> The provision of the Constitution of 1865 preventing the Legislature in special session from acting upon any matter not included in the Governor's proclamation<sup>168</sup> was retained with the addition that the Governor could recommend other matters by special message after the Legislature had convened.<sup>169</sup> In addition to the requirement existing in previous Constitutions, that the Governor should recommend measures to the Legislature, there now appeared the provision that at the beginning of each regular session he should present estimates of the amount of money required to be raised by taxation of all purposes.<sup>170</sup> This provision, taken in connection with the Governor's power to veto specific items in appropriation bills, appears to contain the germ of an executive budget system.

The organization of the Executive Department was not materially changed. The two-year term for elective State executive officials, introduced in 1865 for all except the Superintendent of Schools,<sup>171</sup> was now abandoned and the four-year term of the Constitution of 1820 restored, the Governor and Treasurer being ineligible to re-election as their own successors.<sup>172</sup> A number of ex-officio boards were provided including the State Board of Equalization<sup>173</sup> and Board of Education,<sup>174</sup> which had been created in 1865.<sup>175</sup>

There was no important change made in the organiza-

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<sup>166</sup>Constitution, 1875, Art. V, Sec. 13.

<sup>167</sup>Ibid., Sec. 12.

<sup>168</sup>Constitution of 1865, Art. V, Sec. 7.

<sup>169</sup>Constitution, 1875, Art. IV, Sec. 55.

<sup>170</sup>Ibid., Sec. 10.

<sup>171</sup>Ante, p. 24.

<sup>172</sup>Constitution, 1875, Art. V, Sec. 2.

<sup>173</sup>Ibid., Art. X, Sec. 18.

<sup>174</sup>Ibid., Art. XI, Sec. 4.

<sup>175</sup>Constitution, 1865, Art. IX, Sec. 3.



tion of the Supreme or circuit courts but the congested docket of the former led to the creation of the St. Louis Court of Appeals which it was hoped would dispose finally of many cases and thereby relieve the Supreme Court. This Court was limited in its jurisdiction to the City of St. Louis and the counties of St. Louis, St. Charles, Lincoln and Warren, and it was to consist of three judges elected for terms of twelve years by the voters of the city and counties named.<sup>176</sup> The provisions of previous constitutions which required the Supreme Court to be held in different districts of the State<sup>177</sup> were now eliminated and all of its terms were to be held at the State capitol.<sup>178</sup> A section of the Constitution of 1865 which required the Supreme Court to give its opinion upon questions of constitutional law, when required by the Governor or either house of the Legislature,<sup>179</sup> was also omitted at this time.

The Constitution of 1865 had introduced into the declaration of rights, provisions enabling property to be forfeited for treason,<sup>180</sup> restricting the amount of land which could be held by religious corporations,<sup>181</sup> and declaring void gifts and transfers to them or for their benefit.<sup>182</sup> These provisions had aroused considerable hostility and they were eliminated by the Constitutional Convention of 1875. It was also provided that a grand jury should consist of twelve men of whom nine could find an indictment and that in courts not of record a jury could consist of less than twelve.<sup>183</sup>

Suffrage as defined in the Constitution of 1875<sup>184</sup> was not materially different from that of the Constitution of 1865 after the adoption of the amendments of 1870.<sup>185</sup> The one important exception was the failure to include the

<sup>176</sup>Constitution, 1875, Art. VI, Secs. 12, 13.

<sup>177</sup>Constitution, 1820, Art. V, Sec. 5; Constitution, 1865, Art. VI, Sec. 5.

<sup>178</sup>Constitution, 1875, Art. VI, Sec. 9.

<sup>179</sup>Constitution, 1865, Art. VI, Sec. 11.

<sup>180</sup>Constitution, 1865, Art. I, Sec. 26.

<sup>181</sup>*Ibid.*, Sec. 12.

<sup>182</sup>*Ibid.*, Sec. 13.

<sup>183</sup>Constitution, 1875, Art. II, Sec. 28.

<sup>184</sup>*Ibid.*, Art. VIII, Sec. 2.

<sup>185</sup>*Ante*, p. 21.

educational qualification of the Constitution of 1865,<sup>186</sup> which was not to become effective until January 1, 1876, and hence never came into operation. Some changes were made regarding registration. It will be recalled that the general registration which was associated with the "iron cald oath" was unpopular and had been abolished in 1873 when the Legislature was given authority to provide for registration only in cities with more than ten thousand inhabitants.<sup>187</sup> The hostility still continued and the Constitution, while requiring the Legislature to enact registration laws for all cities and counties having more than one hundred thousand inhabitants, did not permit it to do this for any city which did not contain more than twenty-five thousand population.<sup>188</sup>

It has already been pointed out<sup>189</sup> that the Constitution required the Legislature to appropriate not less than 25 per cent of the general revenue of the State for the support of public schools. This marked a great advance in the development of the principle that public education was a matter of State as well as local concern. While the other provisions of the article on education followed the general model of the Constitution of 1865, some features were less progressive in character. Thus, for example, the age for free public school instruction, established by the Constitution of 1865, between five and twenty-one years,<sup>190</sup> was changed in 1875 to between six and twenty years.<sup>191</sup> The former Constitution contained a provision expressly authorizing the Legislature to enact a limited compulsory education law<sup>192</sup> but this was not included in the Constitution of 1875. The Constitution of 1865 required the Legislature, so far as possible, to incorporate all local school funds into the State public school fund and in distributing the annual income of

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<sup>186</sup>Constitution, 1865, Art. II, Sec. 19.

<sup>187</sup>Ante, p. 203.

<sup>188</sup>Constitution, 1875, Art. VIII, Sec. 5.

<sup>189</sup>Ante, p. 213.

<sup>190</sup>Constitution, 1865, Art. IX, Sec. 1.

<sup>191</sup>Constitution, 1875, Art. XI, Sec. 1.

<sup>192</sup>Constitution, 1865, Art. IX, Sec. 7.

the latter to take into consideration local funds so as to "equalize the amount appropriated for common schools throughout the state."<sup>193</sup> The Constitution of 1875, on the other hand, expressly recognized the county school funds and provided that the income therefrom should be appropriated for free public schools in the several counties.<sup>194</sup> While the Constitution of 1865 permitted the establishment of separate schools for children of African descent,<sup>195</sup> the Constitution of 1875 made this obligatory.<sup>196</sup> Both Constitutions provided for the State University, the Constitution of 1875 vesting its government in a board of nine curators appointed by the Governor with the consent of the Senate.<sup>197</sup>

The article on corporations was of much greater significance than in the other Constitutions. The Constitution of 1820 was concerned only with banking corporations.<sup>198</sup> The Constitution of 1865 prohibited the giving to banks the privilege of issuing bank notes and required the enactment of laws to enable existing banks of issue to reorganize as national banks.<sup>199</sup> It also contained a few sections relating to corporations in general. In the Constitution of 1875, however, the greater part of the article on corporations is devoted to railroads, thirteen of the twenty-seven sections relating to this subject. Railroads were declared public highways and railroad companies common carriers and the Legislature was authorized to fix reasonable maximum rates and to pass laws to prevent discrimination and to correct abuses.<sup>200</sup> Railroads were forbidden to give passes to any State, county or municipal officers and the latter were forbidden to accept such passes under penalty of forfeiture of office.<sup>201</sup> The prohibition upon the creation of corpora-

<sup>193</sup>Ibid., Sec. 9.

<sup>194</sup>Constitution, 1875, Art. XI, Sec. 8.

<sup>195</sup>Constitution, 1865, Art. IX, Sec. 2.

<sup>196</sup>Constitution, 1875, Art. XI, Sec. 3.

<sup>197</sup>Constitution, 1865, Art. IX, Sec. 4; Constitution, 1875, Art. XI, Sec. 5.

<sup>198</sup>Ante, p. 191.

<sup>199</sup>Constitution, 1865, Art. VIII, Secs. 1, 3.

<sup>200</sup>Constitution, 1875, Art. XII, Sec. 14.

<sup>201</sup>Ibid., Sec. 24.

tions by special act had been introduced in 1865.<sup>202</sup> As a check upon the creation of corporations, a fee of fifty dollars was required for the first fifty thousand dollars or less of capital stock and a further sum of five dollars for each additional ten thousand dollars of stock.<sup>203</sup> State participation in any bank was prohibited<sup>204</sup> and no corporation with banking powers, except deposit and discount, could be created except with the approval of a majority of the voters of the State. Bank officials were made civilly and criminally liable in case they received deposits or created debts after they had knowledge that the bank was insolvent or in failing circumstances.<sup>205</sup>

The article prescribing the mode of amending the Constitution was not different in any essential detail from the similar article in the Constitution of 1865. An amendment could be proposed by an absolute majority in each house, and ratified at the next general election by a majority of the voters voting on that proposition.<sup>206</sup> Any number of amendments may be proposed but each amendment must be submitted separately.<sup>207</sup> The Legislature was also authorized to submit to the voter the question of holding a Constitutional Convention. If a majority of the voters on that question were in favor of a Convention, the Governor was required to order an election of two delegates for each senatorial district. The Constitution as drafted by the Convention must be submitted to the voters at a special election and if ratified by a majority it will become the Constitution of the State at the end of thirty days after such election.<sup>208</sup>

<sup>202</sup>Constitution, 1865, Art. VIII, Sec. 4; Constitution, 1875, Art. IV, Sec. 53; Art. XII, Sec. 2.

<sup>203</sup>Constitution, 1875, Art. X, Sec. 21.

<sup>204</sup>*Ibid.*, Art. XII, Sec. 25.

<sup>205</sup>*Ibid.*, Sec. 27.

<sup>206</sup>*Ibid.*, Art. XV, Sec. 2.

<sup>207</sup>This provision is construed in *Gabbert v. C., R. I. & P. Ry. Co.*, 171 Mo. 84.

<sup>208</sup>Constitution, 1875, Art. XV, Sec. 3.

## CONSTITUTIONAL AMENDMENTS, 1875-1920.

The prolonged delay in publishing the journal of the Constitutional Convention of 1875 makes it possible to include with this survey of constitutional development an account of the amendments to the Constitution of 1875. This should be of value as indicating defects which existed or have developed in that instrument and the remedies suggested or put in operation. Ninety-nine amendments have been proposed of which twenty-three have been approved by the voters, sixty-three have been rejected and thirteen remain to be acted on at the November election of 1920.\* Every General Assembly since 1875 except three has proposed one or more amendments. These figures become more impressive when it is pointed out that all but thirteen of these amendments have been submitted to the voters during this century, an average of nearly eight at each biennial election. A total of thirty amendments were voted upon at the three elections in 1910, 1912 and 1914. Only three amendments were submitted in 1916 and nine in 1918, but all records are broken by the thirteen amendments which will be presented to the voters next November. There is here evidenced a growing conviction that many of the provisions of the Constitution are no longer adapted to present conditions.

The fact that only a little more than 25 per cent of the amendments voted upon were ratified is due to two causes. First, many voters do not show much discrimination but manifest a strong tendency to vote the same way on all amendments. Thus at every election except in 1884, 1908 and 1916, all amendments submitted have been either all ratified or all rejected. At every election beginning with 1910 an amendment has been submitted involving prohibition, woman suffrage or the single tax, to all of which

\*In November, 1920, nine amendments were ratified and four were rejected. During 1921 the legislature proposed nine amendments. Three of these were ratified at a special election in August. Hence, at present the figures are one hundred and eight amendments proposed, thirty-five ratified, sixty-seven rejected and six remain to be acted on by the voters.

the majority of the voters were opposed. The result has been the defeat of all amendments except in 1916, when there were only three amendments submitted and an effective organization succeeded in creating sufficient public attention to ratify an amendment permitting the granting of pensions to the deserving blind. The second influence operating to cause the defeat of the process of Constitutional amendment has been the growing conviction that it is inadequate to remedy the defects of the existing situation; that amendments at best would be merely palliative and that what is needed is a general revision by a Constitutional Convention.

The first amendment to the Constitution of 1875 which was ratified by the voters was the outgrowth of the congested docket of the Supreme Court. As previously indicated, this condition existed in 1875 and the Constitutional Convention sought to correct it by creating the St. Louis Court of Appeals.<sup>209</sup> In 1882, an amendment increasing the number of Judges of the Supreme Court to six and dividing the court into two divisions<sup>210</sup> was rejected by the voters. Two years later the voters approved an amendment establishing the Kansas City Court of Appeals, dividing the counties of the State between this court and the St. Louis Court of Appeals and authorizing the Legislature to establish a third court of appeals and to change the districts and the pecuniary limit of jurisdiction of such courts.<sup>211</sup> The courts of appeals, however, did not relieve the Supreme Court of its burden and in 1890 an amendment was ratified which increased the number of Supreme Court Judges to seven and established a civil and a criminal division of such court.<sup>212</sup>

The congestion of cases still continued. In 1895 the Legislature sought to correct some of the difficulties growing out of questions of jurisdiction but the amendment<sup>213</sup> submitted was rejected by the voters. The same was true of

<sup>209</sup>Ante, p. 220.

<sup>210</sup>Laws, 1881, p. 228.

<sup>211</sup>Laws, 1883, p. 215.

<sup>212</sup>Laws, 1889, p. 322.

<sup>213</sup>Laws, 1895, p. 286.

an amendment proposed in 1907 increasing the number of Judges of the Supreme Court to nine and creating a third division. The Legislature in 1919 proposed a similar amendment<sup>214</sup> and also one increasing the number of judges of the St. Louis Court of Appeals to six<sup>215</sup> and these will be voted upon next November. While the Legislature has done something to relieve conditions by providing for Supreme Court Commissioners, the bar of the State has indicated its opinion that conditions demand a revision of the entire article relating to the Judiciary. Attempts to expedite the procedure in the lower courts are to be seen in amendments adopted in 1900 authorizing in civil cases a two-thirds' jury verdict in courts not of record and a three-fourths' jury verdict in courts of record,<sup>216</sup> making indictment and information concurrent remedies<sup>217</sup> and providing that a grand jury shall be convened only by order of a judge.<sup>218</sup>

The provision of the Constitution prohibiting the giving of public money or thing of value to any individual or corporation<sup>219</sup> prevented the granting of pensions to officials and employees. In 1892 an amendment was approved which permitted the Legislature to authorize cities to maintain pension funds for disabled firemen<sup>220</sup> but similar amendments regarding pensions for policemen proposed in 1903<sup>221</sup> and 1909<sup>222</sup> and for public school teachers proposed in 1909<sup>223</sup> were rejected. An attempt to grant authorization for pensions for the deserving blind<sup>224</sup> was defeated in 1914 but two years later a similar amendment<sup>225</sup> was approved. On account of the limited revenue the Legislature was unable to make an appropriation for such pensions. Hence,

<sup>214</sup>Laws, 1919, p. 762. This amendment was rejected by the voters.

<sup>215</sup>Laws, 1919, p. 763. This amendment was rejected by the voters.

<sup>216</sup>Laws, 1899, p. 381.

<sup>217</sup>Ibid., p. 382.

<sup>218</sup>Ibid.

<sup>219</sup>Ante, p. 31.

<sup>220</sup>Laws, 1891, p. 221.

<sup>221</sup>Laws, 1903, p. 278.

<sup>222</sup>Laws, 1909, p. 908.

<sup>223</sup>Ibid.

<sup>224</sup>Laws, 1913, p. 782.

<sup>225</sup>Laws, 1915, p. 411.



in 1919, it submitted an amendment requiring a special tax of not less than one-half of one cent and not more than three cents on the one hundred dollars' valuation to be levied for this purpose. This will be voted on next November.<sup>226</sup>

Limitations upon the financial powers of the State and its local subdivisions have been responsible for most of the amendments proposed and adopted. It is impossible to go into detail regarding these amendments. The following statement regarding those which have been approved will give some idea of the nature of the difficulties which have arisen. In 1900 the voters ratified an amendment<sup>227</sup> authorizing the levy of a special road tax but exempting St. Louis, Kansas City, and St. Joseph from its provisions. Similar amendments, without the exemption, had been rejected in 1884<sup>228</sup> and 1886<sup>229</sup> and one applying only to counties with less than 100,000 inhabitants was rejected in 1894.<sup>230</sup> In 1906 the Missouri Supreme Court declared the amendment adopted in 1900 invalid as the exemption of the three cities violated the Fourteenth amendment of the Constitution of the United States.<sup>231</sup> Finally, in 1908, the voters approved a similar amendment applying to all counties without any exemption.<sup>232</sup>

In 1900 there were also approved three other amendments of financial significance. Two had to do with the St. Louis World's Fair, authorizing St. Louis to aid it by issuing five millions in bonds<sup>233</sup> and the Legislature to appropriate one million dollars from the State sinking fund for an exhibit at the Fair.<sup>234</sup> The third amendment which provided for taxing mortgages as interests in the property mortgaged and for dividing the assessment between the

<sup>226</sup>Laws, 1919, p. 759. This amendment was ratified by the voters.

<sup>227</sup>Laws, 1905, p. 313.

<sup>228</sup>Laws, 1883, p. 217.

<sup>229</sup>Laws, 1885, p. 255.

<sup>230</sup>Laws, 1893, p. 273.

<sup>231</sup>Johnson v. C., B. & Q. Ry. Co., 195 Mo. 228.

<sup>232</sup>Laws, 1909, p. 906.

<sup>233</sup>Laws, 1905, p. 316.

<sup>234</sup>Ibid., p. 317.

mortgagor and mortgagee,<sup>235</sup> was held to be in conflict with the Constitution of the United States<sup>236</sup> and was repealed by an amendment<sup>237</sup> adopted in 1902.

By 1901, the State bonded debt had been reduced to a small amount which it was clear would be extinguished in the near future. There remained, however, certificates of indebtedness to the public school and state seminary funds which had been created by the using of these funds for the purchase and retirement of equivalent amounts of State bonds. As the certificates furnished a safe and profitable investment for the two funds, the Legislature submitted an amendment making them practically perpetual but providing for the investment of future accumulations in these funds in approved county, municipal and school district bonds.<sup>238</sup> The same amendment made provision for a State interest tax not exceeding three cents on the hundred dollars' valuation to pay the interest on these certificates. This amendment was ratified in 1902.

On account of the increasing population of cities, the limitations upon their financial powers became a matter of serious concern. In 1902 an amendment was approved which authorized St. Louis to levy in addition to the rate allowed by the Constitution for municipal purposes, the rate which would be allowed for county purposes if St. Louis were part of a county.<sup>239</sup> At the same time was ratified an amendment which enabled St. Louis and Kansas City in computing their total bonded debt for the purpose of the five per cent maximum established by Section 12 of Article X of the Constitution,<sup>240</sup> to exclude all bonds issued in connection with their municipally owned waterworks and in the case of St. Louis all bonds assumed by the city at the time of its separation from the county.<sup>241</sup> Of the same general

<sup>235</sup>Ibid., p. 315.

<sup>236</sup>Russell v. Croy, 164 Mo. 69.

<sup>237</sup>Laws, 1905, p. 317.

<sup>238</sup>Laws, 1905, p. 318.

<sup>239</sup>Ibid.

<sup>240</sup>Ante, p. 211.

<sup>241</sup>Laws, 1905, p. 320.

character was another amendment approved at the same time which authorized cities between 2,000 and 30,000 inhabitants to become indebted an additional five per cent for the purpose of constructing municipally owned water works or electric light plants.<sup>242</sup> Finally, in 1906, an amendment was adopted which permitted a county to become indebted in excess of the five per cent maximum for road and bridge purposes.<sup>243</sup> While this amendment was under consideration in the Legislature a clause was added providing that Section 12 of Article X should not apply to counties containing cities with 100,000 inhabitants nor to cities with over 300,000 inhabitants. This proviso, however, was not set forth in the amendatory clause of the resolution and hence under the ruling in *Gabbert v. C., R. I. & P. Ry. Co.*, 171 Mo. 84, did not become a part of the amended section.

The evils arising out of constitutional provisions limiting in detail the financial powers of the Legislature and local subdivisions and the difficulty of correcting these by the process of amendment are well illustrated by the history of Section 12 of Article X of the Missouri Constitution. It is, of course, obvious that a debt incurred for a productive expenditure should not be subject to the same restrictions as those incurred for nonproductive purposes. Hence there was adequate justification for the two amendments adopted in 1902 giving St. Louis and Kansas City and cities between 2,000 and 30,000 inhabitants greater debt incurring power for the purpose of municipal ownership of public utilities. But the amendments being specific instead of general in character, could not of course provide for future contingencies and hence the demand for new amendments continued to arise. In the first place, the situation was complicated by a decision of the Supreme Court holding that the second five per cent permitted under the amendment of 1902 must be restricted to debts for water works or electric light plants and that even if a city had used up part or all of its first five per cent debt allowance for either or both of

<sup>242</sup>Laws, 1905, p. 324.

<sup>243</sup>Laws, 1909, p. 905.

these purposes it could not use the second five per cent for other purposes such as the building of a sewer system.<sup>244</sup> In other words, a city must build its public buildings, sewers, etc., first and later construct its water works and electric light plant.

In the second place, there were other public utilities such as gas works, heating plants, street railways, etc., coming under the head of productive expenditures which clearly could not take advantage of the second five per cent authorized by the amendment of 1902. Finally, that amendment was restricted to cities between 2,000 and 30,000 inhabitants and could afford no relief to cities outside this group, for example, Joplin and Springfield since 1910, St. Joseph and, except as regards water works, St. Louis and Kansas City. While none of the amendments for securing relief in these matters has been ratified in recent years for the reasons indicated above,<sup>245</sup> their proposal by the Legislature indicates the urgency of the need. In 1907 an amendment was proposed to overcome the difficulty created by the decision of the Supreme Court in the Wilder case.<sup>246</sup> It provided that any debt previously or thereafter incurred for water works or electric light plants should not be considered in determining the original five per cent for which the cities concerned could become indebted. Another amendment in the same year proposed to authorize cities with 100,000 inhabitants to become indebted an additional five per cent for the purpose of acquiring subways<sup>247</sup> and the same amendment was proposed again in 1913<sup>248</sup> but all met the same fate. At the same time was rejected an amendment proposing to authorize Kansas City to issue public utility bonds to an amount not exceeding an additional twenty per cent of its assessed valuation for the purpose of acquiring any public service utility for the use of its citi-

<sup>244</sup>State v. Wilder, 197 Mo. 1.

<sup>245</sup>Ante, p. 225.

<sup>246</sup>Ante, p. 231.

<sup>247</sup>Laws, 1907, p. 453.

<sup>248</sup>Laws, 1913, p. 780.

zens.<sup>249</sup> The principal of these public utility bonds was not to constitute an obligation of the city enforceable out of funds raised by taxation.

At the election in November of this year there will be submitted an amendment which was framed to meet the needs of St. Louis, Kansas City and St. Joseph.<sup>250</sup> It proposes to change the general rule of Section 12 of Article X of the Constitution so far as cities of 75,000 inhabitants or more are concerned by fixing ten per cent instead of five per cent as the maximum for the incurring of indebtedness. It also authorizes the same cities to issue public utility bonds as provided in the amendment referred to above, which was proposed in 1913. The pending amendment differs in one feature from the one proposed in 1913 and from other amendments of this general character. All previous amendments, those rejected as well as those ratified, required the consent of two-thirds of the voters before any indebtedness authorized could be incurred. This amendment, however, would authorize the issuance of the public utility bonds with the assent of four-sevenths of the voters. Another amendment to be voted on this year proposes to amend the amendment adopted in 1902,<sup>251</sup> by adding ice plants to the public utilities for which the additional five per cent indebtedness may be incurred and by extending its provisions to cities of less than 2,000 inhabitants.<sup>252</sup>

Counties also have found it necessary to appeal for amendments of Section 12 of Article X. It has been indicated that in 1906 authority was granted for indebtedness above the five per cent for road and bridge purposes.<sup>253</sup> In 1909 an amendment was proposed to secure similar authorization for the erection of a poor house,<sup>254</sup> but it was rejected

<sup>249</sup>Laws, 1913, p. 776.

<sup>250</sup>Laws, 1919, p. 751. This amendment was ratified by the voters.

<sup>251</sup>Ante, p. 231.

<sup>252</sup>Laws, 1919, p. 758. This amendment was ratified by the voters. See also amendment rejected in 1918 which proposed to add improvement of streets as an item for which additional five per cent could be incurred; Laws 1917, p. 581.

<sup>253</sup>Ante, p. 230.

<sup>254</sup>Laws, 1909, p. 912.

by the voters despite the fact that the Constitution as originally adopted expressly authorizes this in the case of a court house or jail. The county of St. Louis which, as a suburb of the city of St. Louis, has a large urban population, sought authority to incur indebtedness for the construction of sewers and the acquisition of water works. While this was approved by the Legislature in 1911,<sup>255</sup> it failed of ratification with all of the other amendments at the election in 1912.

The restrictions upon the rates of taxation have been found burdensome in many cases and attempts have been made to amend these provisions of the Constitution. Reference has already been made to the numerous attempts which were finally successful to secure authority for a special county tax for road and bridge purposes<sup>256</sup> and also to the amendment giving the city of St. Louis authority to levy the county as well as the municipal rate.<sup>257</sup> At the same time that the latter provision was adopted, the voters also ratified an amendment permitting boards of education in cities of 100,000 inhabitants to levy sixty cents instead of forty cents, which was the maximum which could be levied in other districts without the consent of a majority of the voting taxpayers.<sup>258</sup> A number of attempts have been made to change the rates for school purposes<sup>259</sup> and an amendment to be voted on this year seeks to remove the discrimination upon rural school districts by increasing the maximum rate for school purposes, which can be authorized by tax paying voters from sixty-five cents to one dollar, the same amount permitted in city districts.<sup>260</sup> There have also been attempts to change the rates for city purposes<sup>261</sup> and for improvement of roads.<sup>262</sup> At the election next November amend-

<sup>255</sup>Laws, 1911, p. 448.

<sup>256</sup>Ante, p. 228.

<sup>257</sup>Ante, p. 228.

<sup>258</sup>Laws, 1905, p. 322.

<sup>259</sup>Laws, 1903, p. 282; Laws, 1917, pp. 577-579.

<sup>260</sup>Laws, 1919, p. 755. This amendment was rejected by the voters.

<sup>261</sup>Laws, 1909, p. 911; Laws, 1911, p. 446.

<sup>262</sup>Laws, 1907, p. 457; Laws, 1909, p. 913; Laws, 1913, p. 779; Laws, 1917, pp. 579-581.

ments will be submitted authorizing a rate of fifty cents for road purposes when voted by the voters of a road district<sup>263</sup> and authorizing the Legislature to incur a debt not exceeding sixty million dollars for road purposes.<sup>264</sup> Another amendment to be voted on at the same time provides for the issuance of state bonds not exceeding one million dollars for the purpose of creating a soldiers' settlement fund to provide employment and rural homes for soldiers and sailors.<sup>265</sup>

The "home rule charter" provisions of the Constitution regarding St. Louis<sup>266</sup> did not contain express authority for a revision of the charter by a new board and an amendment for this purpose was adopted in 1902.<sup>267</sup> As the original provision for amending the charter with the consent of three-fifths of the voters at an election had not worked satisfactorily because of the failure of many voters to vote either way, this amendment now provided that three-fifths of the voters voting for or against each charter amendment should be sufficient for its adoption. Finally, the original requirement that the charter must provide for two houses of the city council was changed so as to require only one house. This amendment did not apply to the "home rule charter" provisions for other cities of over 100,000 population and Kansas City has made a number of attempts to amend these sections. In 1914, an amendment similar to that part of the St. Louis amendment of 1902 which provided for counting only the votes for or against charter amendments was defeated.<sup>268</sup> In 1918, an amendment was submitted by initiative petition providing for a charter commission for the revision of the charter whenever such proposition had been approved by the voters after submission by the city council or by initiative petition.<sup>269</sup> The amendment also pro-

<sup>263</sup>Laws, 1919, p. 755. This amendment was ratified by the voters.

<sup>264</sup>Ibid., p. 757. This amendment was ratified by the voters.

<sup>265</sup>Laws, 1919, p. 760. This amendment was ratified by the voters.

<sup>266</sup>Ante, p. 216.

<sup>267</sup>Laws, 1905, p. 320.

<sup>268</sup>Laws, 1914, p. 783.

<sup>269</sup>Official Manual, 1919-20, pp. 428, 429.



vided for charter amendments, submitted by a charter commission, the city council or initiative petition and ratified by a majority of those voting on each amendment. Finally, the people of the city were given a free hand in determining the form of their government by the omission of the provision requiring a mayor and two houses of legislation. This amendment was defeated, but the next Legislature submitted substantially the same amendment and it will be voted upon again next November.<sup>270</sup>

Additional evidence of the difficulty of getting voters interested in propositions is furnished by an amendment adopted in 1902 which changed the law regarding township organization by providing for its adoption by a majority of the voters of the county voting upon that proposition instead of by a majority of the voters at the election.<sup>271</sup>

When the Constitution of 1875 was adopted the term of most of the county officials was only two years. The tendency arose, however, to lengthen the term to four years. It was possible for the Legislature to determine this question except in the case of the sheriff and coroner whose terms were fixed at two years by the Constitution.<sup>272</sup> An amendment adopted in 1906 extended these terms to four years.<sup>273</sup>

The only amendment of the Constitution of 1875 which remains for consideration is the one providing for the initiative and referendum which was adopted in 1908.<sup>274</sup> A similar amendment with stricter requirements but applying to the local as well as State government had been defeated in 1904.<sup>275</sup> The amendment adopted in 1908 applies to constitutional amendments as well as matters of ordinary legislation. The initiative has been used only in connection with constitutional amendments. A total of fourteen amendments were proposed, one or more at each election beginning

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<sup>270</sup>Laws, 1919, p. 749. This amendment was ratified by the voters.

<sup>271</sup>Laws, 1905, p. 324.

<sup>272</sup>Constitution, 1875, Art. IX, Sec. 10.

<sup>273</sup>Laws, 1909, p. 906.

<sup>274</sup>Laws, 1909, p. 906.

<sup>275</sup>Laws, 1903, p. 280.

in 1910, and all were defeated.<sup>276</sup> One amendment submitted by the initiative will be voted on in November of this year.<sup>277</sup>

Four acts of the Legislature were by referendum petitions submitted to the voters in 1914 and all were rejected.<sup>278</sup> The Prohibition Enforcement act and the Workmen's Compensation act passed by the last Legislature were held up by referendum petitions and will be voted on this year.\*

In addition to those already referred to, the following amendments will be submitted to the voters at the forthcoming November election. One amendment repeals the provision disqualifying soldiers and sailors in the regular army of the United States from voting and requires the Legislature to provide for absentee voting by electors absent from the State on account of military service.<sup>279</sup>

Another amendment undertakes to increase the pay of members of the Legislature. The inadequacy of this compensation led to an amendment proposed in 1907 providing an annual salary of seven hundred and fifty dollars.<sup>280</sup> The next Legislature proposed an increase in the per diem from five to ten dollars.<sup>281</sup> Four years later the Legislature proposed an annual salary of one thousand dollars.<sup>282</sup> All of these proposals were defeated and the last Legislature renewed the proposal of 1913, except that it omits all provision for mileage or stationery and provides that no member shall receive any allowance other than his salary and actual expenses while serving on committees to examine institutions other than those at the State capitol.<sup>283</sup>

Finally, an amendment submitted by initiative petition

<sup>276</sup>Official Manual, 1915-16, pp. 603, 604; 1917-18: pp. 484, 485; 1919-20, pp. 428, 429.

<sup>277</sup>See below.

<sup>278</sup>Official Manual, 1915-16, p. 604.

\*The former was adopted and the latter rejected. Fourteen bills passed by the Legislature in 1921 were suspended by referendum petitions and will be voted in 1922.

<sup>279</sup>Laws, 1919, p. 763. This amendment was ratified by the voters.

<sup>280</sup>Laws, 1907, p. 457.

<sup>281</sup>Laws, 1909, p. 914.

<sup>282</sup>Laws, 1913, p. 779.

<sup>283</sup>Laws, 1919, p. 748. This amendment was rejected by the voters.

proposes to amend that part of Article XV which provides for revising the Constitution.\* It provides that each political party shall nominate not more than one of the two members of the Constitutional Convention to be elected from each senatorial district. It also provides for fifteen members to be elected at large, nominations therefor to be by petition. It requires that the question of holding a Constitutional Convention shall be submitted to the voters at a special election in August, 1921, and that every twenty years thereafter such question shall be automatically submitted to the voters. This amendment is the work of the New Constitution Association which has been endeavoring for a number of years to have the question submitted to a vote of the people. It is believed the provisions for bi-partisan and non-partisan membership will overcome the objections which have defeated former attempts to secure a Constitutional Convention.

It is an interesting coincidence that this survey of constitutional evolution in Missouri is completed on July 19, 1920, just one hundred years after the adoption of the Constitution of 1820. As the Constitution of today contains the essential features of the Constitution of 1820, this date may be taken as the Centennial of Missouri's Constitution. While the most fundamental characteristics of the Constitution of 1820, such as the division of powers, the bicameral Legislature, the independent Executive and Judiciary have been preserved in the existing Constitution, noteworthy changes have been introduced. Foremost of these has been the introduction of numerous limitations upon the power of the Legislature. Restrictions have been imposed upon its procedure, its enactment of local and special laws and its control over finances, while its power to regulate education, corporations and the structure and powers of State and local government has been seriously limited by the positive provisions regarding these matters that have been incorporated into the Constitution. Legislative power has also been

\*This amendment was ratified by the voters, Laws, 1921, p. 711.

restricted by the strengthening of the Governor's veto power, by the requirement for popular participation in the amendment of the Constitution and finally by introduction of a popular referendum on legislative acts and the possibility of direct popular enactment of laws without legislative participation.

The second most noticeable change has been the substitution of the long for the short ballot. This has resulted from the elimination of appointive tenure and the establishment of popular election of the principal executive officials and judges.

Finally, the restrictions upon the Legislature and the regulations of matters in detail in the Constitution have resulted in the proposal by the Legislature and by initiative petition of numerous constitutional amendments. These, with the addition of legislative acts referred by petition to the voters, increased the size of the ballot to such an extent that the Legislature provided for a separate ballot for all propositions of this character.<sup>284</sup>

The men who framed the Constitution of 1875 appreciated the value of historical evolution. They realized that they were dealing with the Constitution which had been adopted in 1820 and changed from time to time to meet changed conditions. They undertook to adapt it to the problems of their day. If the demand for a new Constitution leads to a Constitutional Convention, the members of that body will undoubtedly be influenced by similar considerations. While modifying the existing document so as to enable the government to function in accordance with modern needs and popular demands, they will hold fast to all these features that have demonstrated their usefulness through the century of Missouri's constitutional development.

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<sup>284</sup>Laws, 1900, p. 492.

## THE CONSTITUTION OF 1820.\*

BY F. W. LEHMANN.

We are proposing at this time a new constitution for Missouri which will be the fourth in its history and it may not be amiss to go back to the beginning of our statehood and take account of our first constitution in its practical operation as a plan of government and of the departures we have made from it in the course of a hundred years' experience.

The all-important branch of the government was the Legislative. It must be borne in mind that the State constitution was not like that of the nation one of grant, but was one of definition and limitation. In the State was inherent every power of sovereignty not denied by the Federal Constitution or the State Constitution itself. At that time the affairs of the people were essentially of local concern, their contact with Federal authority very slight and so the limitations of the Federal Constitution quite negligible. Those of the State Constitution were contained in a conventional bill of rights and in sections relating to slavery and to banks. With the exceptions stated, the General Assembly itself determined the scope of its powers—what were appropriate objects of legislation—and it determined the mode of exercising its powers. The only rule of procedure laid down was that every bill should be read on three different days in each house, but each house by a two-thirds vote could dispense with this rule. A majority of each house constituted a quorum and a majority of a quorum could pass a bill. If the Governor returned a bill with objections, a majority of the members elected to each house could pass it over his veto.

There were no restrictions against private, local or special laws and no requirement that bills should be confined to one subject matter which must be clearly stated in the title.

There was no limitation upon the power of taxation except

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\*An address delivered at the general session of the American Historical Association in St. Louis, December 29, 1921, commemorating the centennial anniversary of the admission of Missouri to the Union.

that "all property subject to taxation should be taxed in proportion to its value." The rate of taxation for any state or local purpose might be whatsoever the legislature determined.

The funds or credit of the state might be applied to any object public or private, with the sole exception of a religious use or purpose.

The Constitution was not a blatant document. Its silence was more significant than its speech. The Government it created was a strong one, because of the absence of restraint upon the methods and objects of legislation, the unrestricted power of taxation and the almost unlimited discretion in the use of public funds and credit.

At the time there was no apprehension of the abuse of these powers. The Government formed was a representative democracy, the members of the General Assembly being chosen by the direct vote of the people of the counties and the districts and directly responsible to them.

Sooner or later the power vested in men will be exercised to the uttermost and so it was here. Special, local and private legislation is found in the session laws from the beginning and it increased in volume and number of enactments until it far exceeded the general legislation. In the session of 1848-9, the public acts filled 132 pages and the private, 572. The public acts numbered 131 and the private 580. Of these private, local and special acts 167 were styled relief acts, 127 were special charters for corporations, 73 related to roads and highways, 53 granted divorces, 54 dealt with petty details of court administration in particular counties, and the others with mill dams, ferries, change of names and other matters of purely local or individual concern.

Looking more closely into this legislation we find that there were hundreds of bills for the relief of delinquent collectors of public revenues, extending the time for accounting by them and freeing them from the penalties of their delinquency. Some were pure acts of charity. In 1843 Madeleine Trouvenille was authorized, so long as she kept her blind son

from becoming a public charge, to sell groceries without a license, but not on commission, nor as agent for others, and she must not at any time employ a capital in the business exceeding \$500.00. Nor could she keep a dram shop without license. Moses Fuqua not being able otherwise to support his large family of small children, may peddle merchandise without license, but he may not sell clocks or spirituous liquors.

With a single corporation, a bank, in Missouri, when the Constitution took effect, there followed and continued a spawning of corporations of every kind, and all under special charters. There were municipal, eleemosynary and business companies of every variety. Educational institutions were chartered upon some of which restrictions were imposed which would preclude denominational influence, while others were left free from such restrictions. So there was diversity in the powers and privileges granted to companies related to transportation, as bridge, ferry, turnpike, plank road and railroad companies. Some were subject to regulation of rates and others not; some exempt from taxation and others not. It made a fertile field for the lobbyist. But not much was actually done under these charters. Conditions were too primitive. This is indicated by the rates permitted to these paper railroad companies, twelve and a half cents per mile for passenger travel and the same sum per mile for carrying a ton of freight. In 1839, John W. Wells was authorized to build a toll bridge across Moniteau creek in Cole county, the schedule of charges permitted ranging from six and a fourth cents for a plodding pedestrian to one dollar for a pleasure carriage. We may be sure there was little use of such a bridge, if indeed it was ever built.

Many of these facts deal with matters now under the jurisdiction of our probate courts. They made appointment of guardians and provided for the sale of land of decedents and minors. One act removed the administration of the estate of Thomas Reynolds from Cole to Platte County.

Charles Greгаire dissatisfied because his warehouse was within the corporate limits of Big Field, secured a legislative



contraction of those limits which left it without. On the other hand, John Fields dissatisfied because his residence was outside of school district 16, had the district limits extended to include it.

Lotteries were authorized to aid in the building of railroads and hospitals and for other purposes. To help Nezhiah Bliss in the establishment of iron works, a loan to him of fifty thousand dollars from the state funds was authorized, Nezhiah promising to sell bar iron at not above ten cents a pound, and hollow ware "at as reduced prices as it can be had in any of the western states or territories." The state established a tobacco warehouse in St. Louis, to protect planters against excessive charges by private warehousemen, but after a few years abandoned its operation.

To meet the financial stringency of 1821, a public loan office was set up, authorized to issue certificates in denominations of not less than fifty cents, nor more than ten dollars, to the extent of two hundred thousand dollars, receivable in payment of taxes and all debts due the State. Public officials must take them in payment of their salaries and ferrymen in payment of their charges under penalty of forfeiting their charters. The pork barrel principle was recognized and applied. The state was divided into five districts with an office in each, and the certificates were to be loaned in fair proportion between the counties not more than \$1,000 to any one person. The Act was passed June 27th, 1821, further issuance of certificates was prohibited November 27th, 1822, and the act itself was repealed on December 18th following. It required years to settle the affairs of this loan, and as late as January, 1831, an act was passed authorizing the State Officials "to compound with all Loan Office debtors by receiving from them fifty cents on the dollar upon the amount of principal which now remains due from them without including any of the interest now due upon said debts."

From the beginning there was a general law authorizing the courts to grant divorces for specified causes and this jurisdiction was exercised by the Courts as it is now and held

by them to be exclusive. None the less, the General Assembly granted divorces by special acts. The Legislature of 1832-3 granted 49, that of 1844-5 granted 53. If anything is *sui generis* it is a divorce suit. The right or the wrong in the case is personal, individual, and yet the legislature of 1832-3 bundled 37 divorce cases into one omnibus bill and the bill passed on one roll call. Of the 49 divorces enacted by this Assembly, 46 were vetoed by the Governor, but the bills were all of them promptly passed over his veto. The title to the Act did not always indicate its purpose, as, for example, it was "an Act for the relief of Thomas Foley" or "an Act for the relief of Caroline Taylor." In most of the cases, the cause for divorce was not stated, not even which of the parties was applicant therefor. In the case of Barbara and Richard Powell the entire act reads:

"Whereas it appears from the petition of both parties that they wish to be separated, and cannot live happily together and as the happiness of the people should be the ultimate end and object of all governments; therefore be it enacted by the General Assembly of the State of Missouri that the bonds of matrimony heretofore contracted between Barbara Powell, late Barbara McClellan, and Richard Powell be and the same are hereby revoked and that the parties to said marriage are hereby divorced from the bonds of matrimony by them contracted to and with each other."

The promotion of internal improvement for years manifested itself principally in legislation, of which there was an over-abundance. Some short lines of macadamized and plank roads were built and surveys were made of the tributaries to the Mississippi and Missouri rivers with a view to rendering them navigable. There was a canal fund, but no canals.

Railroads came into use in 1830, but for two decades, nothing was done in Missouri, except to charter railroad companies. Private capital was reluctant to engage in the new enterprises. At last the credit of the state was invoked.

The experience of other states in themselves building, owning and operating the roads was not encouraging and so in Missouri the plan pursued was to aid private enterprise by city and county funds, either in the way of loans or stock

subscriptions and in addition, by the issuance of state bonds to the various companies, which were to be a first lien on the properties. The United States also aided by the grant of public lands. And until the work was completed and the lines in operation, they were free from taxes. The use of the State's credit through the issuance of bonds was free and indeed lavish. At the beginning the State invested one dollar for every dollar contributed from other sources and later it contributed two for one. It was the case of public money at private disposal, resulting in great waste, if not worse. The roads were expensively and poorly constructed. While the state aid was intended as a loan, and the companies were to pay the interest upon the principal of the bonds, only one company, the Hannibal and St. Joseph complied with this obligation. This Company had the most valuable land grant and as well the largest private subscription.

Seven companies were the recipients of the state's favor, and from the beginning of this policy in 1851 to its end in 1857, \$24,950,000 of state bonds were authorized and \$23,710,000 actually issued. This does not impress one now as a very large amount, but taking into account the population and wealth of the state then and now, it is equivalent to a present day indebtedness of more than \$250,000,000.

There was a settlement after the war in the course of which the roads were sold for \$6,131,396 which left a deficit of interest and principal borne by the state of \$24,604,344.

While aid by the state was discontinued in 1857 it was left open to the counties, cities and towns to give the help of their funds and credit, and after the civil war, contributions by them to the extent of about \$8,000,000 more were authorized to railroads which were never built and on some of which not so much as a shovel-full of dirt was ever turned. Some of these contributions were paid but many of the counties contested their liability on the bonds they had issued and there followed expensive litigation which ended in compromises, the last case being disposed of but a few months ago.

Comparing the constitution of 1820 in respect of these working details with that of 1875, which, with some amendments is our present plan of government, we find the changes many and marked.

The veto power of the Governor has been greatly enlarged. He may now veto single items of appropriation bills as well as bills in their entirety and his action now may be overridden only by a two-thirds majority of the entire membership of each House.

Bills must be confined to one subject and this must be clearly expressed in the title, preventing the log-rolling so common when two or more unrelated matters might be combined in one measure. Private, local and special laws are prohibited specifically in the many cases in which they were used under the old constitution, and in all cases where a general law may be made applicable. It is of particular importance that corporations can no longer be created by special charter, but only under general law and subject to constitutional limitations and to legislative supervision and control by general law. The power of taxation is restricted and as well that to incur indebtedness, and public funds and public credit, whether of the state or its local subdivisions may be applied only to public uses. Internal improvements are left to private initiative and private capital, or the public funds and public credit being employed, the work is made a public function and carried out under public ownership and public conduct as in the case of roads and highways and certain specified utilities as water works and lighting plants.

The framers of the Constitution of 1820 wrought in forecast of the century that has intervened. The social structure of their time was a simple one, a rural community marked by individual independence. The changes in that structure went beyond their wildest dreams. The new conditions have their peculiar needs. But human nature remains much the same and it is true now as it was a hundred years ago, that power will be exerted for what ever and to the

extent, it is permitted. Our present plan of government is not a thing of instant inspiration, but a slow development determined in its course by hard experience. It will be well if in the making of a new plan, we do not lightly disregard the dearly bought lessons of that experience.

## MISSOURIANS ABROAD—NO. 10

FLORENCE D. WHITE.

BY W. A. KELSEY.

Florence D. White, journalist, was born October 4, 1861, in St. Louis, Mo., son of Thomas and Elizabeth White. He was reared and educated in this city and was graduated from the Christian Brothers' College with the degree of bachelor of arts in the class of 1878. Soon after his graduation he was appointed to the local staff of the St. Louis Evening Post, founded by John A. Dillon early in 1878. After the purchase of the Evening Dispatch by Joseph Pulitzer and the consolidation of the Post and the Dispatch Mr. White's first work on the Post-Dispatch was that of political reporter. His promotion to the position of city editor followed (in 1888) and still later (1890) he became managing editor of that paper. In 1896 he was called by Mr. Pulitzer to New York City and he there filled managerial positions in the editorial and business departments of the New York World, which had become Mr. Pulitzer's property. In July, 1897, Mr. White returned to St. Louis to become the editor of the Post-Dispatch and he remained here until March, 1898, when he was again called to New York City, this time to become manager of the Sunday World. Before the close of the year, however, he came back to St. Louis to assume the general management of the Post-Dispatch, and this position he still holds. He is widely known to the newspaper profession of the United States as an able and vigorous writer and a newspaper manager of broad capacity. (William Hyde's Encyclopedia of the History of St. Louis—published 1899.)

The biographical sketch of Mr. White in the 1920-21 edition of "Who's Who In America," is based on the one just quoted from Hyde's History of St. Louis, even the wording of the latter being given in several places. The only additional information found in the later publication is of the intervening period. The "Who's Who" sketch states that Mr. White has been the financial manager of the New York World since 1899 and that he is now also general manager of it and a director of the Press Publishing Co. (which publishes the New York World and the New York Evening World). Mr. Joseph Pulitzer, Jr., assumed the active,

personal management of the St. Louis Post-Dispatch several years ago, relieving Mr. White of the work and thus permitting the latter to give more of his time to the New York World. Mr. White resides in New York City.

I have been unable to find any other biography or biographical sketch of Mr. White. He shuns publicity and for the facts gathered for this article the Missouri Historical Review is indebted to a few of his St. Louis friends, notably Rev. J. T. Foley, Judge Jesse McDonald, George S. Johns, Joseph J. McAuliffe, William Vincent Byars, Joseph R. Groom, James T. Keller, George F. Mockler, W. H. (Harry) James, John W. Kearney, C. R. Webb and Leon F. Witzig. These gentlemen speak in the highest terms of Mr. White, both as a man and as a journalist. With the exception of the first gentleman named, all have been associated with him in newspaper work in St. Louis and two or three of them also in New York City.

Father Foley, now pastor of St. Cronan's Church, was a classmate of Mr. White at the Christian Brothers' College. They lived in the same part of the city, White on North Seventh between O'Fallon street and Cass avenue and his friend Foley, a few blocks further west. The college was then on the southwest corner of Cerre and South Eighth streets and the boys walked the long distance back and forth, regardless of weather conditions.

During his student days White lost an older brother, Thomas, who had also attended the college. Their only sister, Katie, then a little girl, is still residing in St. Louis. The parents had died while the family were living on the South Side—near La Salle and South Sixth streets, or perhaps it was in their Stoddard Avenue home (the part of South Eleventh street extending from Chouteau to Park avenue was called Stoddard avenue in the seventies).

Daniel McAuliffe, Mrs. White's brother, was appointed guardian of the children and it was with the McAuliffe family they lived when Rev. J. T. Foley first met them. The McAuliffes had children of their own, two of whom have made an enviable mark in journalism, Daniel as man-





FLORENCE D. WHITE



aging editor of the St. Louis Republic and Joseph as managing editor of the Globe-Democrat. The daughters were Kate, or Catherine McAuliffe, now living with F. D. White's sister, and Mary, now Mrs. John R. Scott of St. Louis.

At college young White was a favorite with students and teachers alike. Father Foley says his classmate was quiet, well behaved and studious. Although the youngest member of the class, under seventeen years of age at the time of his graduation, Florence White ranked high in his studies. He indulged in a game of hand-ball now and then, but paid very little attention to other athletic sports. He displayed considerable histrionic talent and took part in several literary and dramatic entertainments. Among his classmates were Joseph Hartnett, who later was for many years secretary of the L. M. Rumsey Manufacturing Company of St. Louis; Leonard Reese, now living in Springfield, Ill., and John Brittingham, who located soon after graduating, with this brother George (another Christian Brothers' College "boy"), in Chihuahua, Mex., where I met them some years later (1891) while representing the Post-Dispatch and its managing editor, F. D. White, on the occasion of a royal reception given a delegation of St. Louis business men by the American Colony of Chihuahua.

Mr. White's newspaper career began in the summer of 1878 (soon after his graduation from college) on John A. Dillon's recently established Evening Post, published in the old Globe-Democrat building on the northeast corner of Fourth and Pine streets. Mr. Leon F. Witzig, now with the Globe-Democrat, was one of White's fellow reporters there. Another was A. H. Spink, now a noted Chicago sport writer. Mr. Witzig remembers that Florence or "Flory," as he was generally called by his newspaper friends, had a good nose for news and made an excellent "kid reporter." One of his daily assignments was to report the Biddle Street Police Court, held in an old church or mission house on the northwest corner of the street of that name and North Broadway.

When the Dispatch and the Post consolidated, as reported in "Hyde's History" and "Who's Who in America,"

in December, 1878, Mr. White had his first trial as political reporter on the Post-Dispatch and he "made good" from the start, but it was as a police reporter that he achieved his greatest reportorial success. Mr. George S. Johns, who began his St. Louis newspaper career (after considerable valuable experience elsewhere) a little later (1883) on the Post-Dispatch, gives a glowing account of some of White's achievements at the Four Courts, the building in which the city's main police court, two state courts, the jail, a calaboose and "hold-over," the coroner's office, grand jury rooms and the police headquarters were located. According to Mr. Johns, his friend White had a keen mind as well as a good nose. My own recollection of young White's reporting is much the same, though my contact with him at that period was as a competitor and foe rather than as an associate and friend. I remember that he was distinguished not only for his nose for news but also for his leg talent. One day in 1879 I dropped into a stocking factory on Market near Ninth street and found "Flory" White and John T. McEnnis, another Post-Dispatch reporter from the Christian Brothers' College who had entered journalism via Mr. Dillon's evening Post. Both expected to take part in the reporter's walking contest soon to be held at the old Rink on Nineteenth and Pine streets and were supplying themselves with seamless socks for the big event and also for the preliminary training. Twenty-one reporters and one city editor (Walter B. Stevens) had been entered for the race. That "Flory" White let "Jimmy" Boyle, then a Globe-Democrat reporter and later President McKinley's private secretary, carry off the first prize was due, I am confident, to the Post-Dispatch man's kindness of heart and his willingness to sacrifice his own for another's benefit. Ralph Bayard, another of Mr. Pulitzer's reporters (later a well-known New York writer), wanted to take part in the race but was barred, his entry not having been received in time. Then it was that young White made his big sacrifice, retiring in Bayard's favor. Bayard ran in White's place and under White's name. He was one of the

prize winners, but his prize was for gracefulness, or something of that kind, not for distance or endurance.

Mr. White is especially noted for kindness of heart, loyalty to old-time friendships and extending the hand of good fellowship to former personal or professional foes. Although devoted to his profession as but few journalists are, he gave up newspaper work temporarily at the request of Major Lawrence Harrigan, his close personal friend, when the latter was chief of police, to become his private secretary and confidential adviser, and again when Major Harrigan received from President Cleveland the appointment of appraiser of the government port of St. Louis.

Mr. White's friendship for John A. Cockerill after the latter had left the New York World is well known. I remember serving once as a messenger for Mr. White when he wanted a change made in the program of a concert given by Patrick Sarsfield Gilmore's famous band at the old Exposition Building which stood on the site of the present public library. I don't know what the change was, only that it was in deference to Mr. White's regard for Mr. Cockerill and that the request was complied with.

The only time that Mr. White was ever discharged from a newspaper, so far as my information goes, was when Charles H. Jones took charge of the Post-Dispatch in 1895 and discharged most of Mr. Pulitzer's special friends on the paper, but Mr. White, instead of harboring any ill-will against Mr. Jones, became one of his best friends later in New York City and was entertained by him at the Jones home there. His friendship for Samuel Williams, or "Col. Sam," as the old gentleman, now ninety years old, is still familiarly called, may also be mentioned here. Mr. Williams, who had charge of the editorial page of the Post-Dispatch for several years and who lost his position and his connection with the Pulitzer interests because of the Jones affair, has no better friend outside of his family today than F. D. White, who seldom comes to St. Louis without continuing his journey to the Williams home in St. Louis County.

Judge McDonald was White's roommate in the eighties when they were newspaper reporters and when the former was studying law. They first roomed at the southeast corner of Fifteenth street and Lucas place (Locust street) and later in the old home of the Giles F. Filley family on Lucas place, taking their meals then in a boarding house across the street. The judge acted as groomsman at Mr. White's marriage in Chicago, May 14, 1907, to Miss Annie K. Cleary, daughter of James M. Cleary, formerly of St. Louis. Mr. Cleary died in Mrs. F. D. White's childhood, but the Cleary family is still well remembered in St. Louis, particularly James' brother, Redmond Cleary, one of the leading grain dealers of the St. Louis Merchants' Exchange many years.

Mr. Mockler could, I believe, fill a big book with interesting reports of F. D. White's newspaper work in St. Louis as reporter, city editor and managing editor. He speaks in high praise of Mr. White's aid in having railway crossings bridged and overhead wires put under ground; in the construction of the Post-Dispatch Lake in Forest Park, which gave employment to an army of unemployed men for several weeks; in securing the legislation which established a pension fund for members of the Fire Department; in having the dust nuisance in the streets banished for all time by municipal sprinkling; in having the price of gas reduced; in breaking up the gambling and lottery rings; in taking politics out of the School Board (Board of Education); and in ridding the Municipal Assembly and State Legislature of boodlers and grafters.

Mr. White stood for years very close to Joseph Pulitzer, the elder, and that his services to the New York World and the St. Louis Post-Dispatch have been duly appreciated by the sons is fully attested by their action in placing him in charge of the papers.

## TRADITIONS CONCERNING THE MISSOURI QUESTION\*

BY FLOYD C. SHOEMAKER.

Missouri is the premier state of paradoxes. Settled by the French, who controlled her greatest business, the fur trade, Missouri after 1804 never had an important elective office filled by a Frenchman. A western state not immune from speculation, the State of Missouri never chartered a wild-cat bank or issued wild-cat currency. A Democratic state shouting both brands—the Jeffersonian and the Jacksonian—Missouri elected two Whig United States senators and thrice elected by general ticket a Whig congressman. A Democratic state for forty years, Missouri followed this with six years of Republican rule. A slave territory and a slave state, Missouri emancipated her own slaves three weeks before Congress proposed the Thirteenth Amendment and eleven months before that Amendment was adopted. With 115,000 slaves in 1860, the majority of Missouri's leading slave counties opposed secession and stood for the Union. Today these counties are the citadel of the Democratic party in Missouri. On the other hand, the strongest element of voting power of the Missouri secessionists came from many of those counties which today are the country backbone of the Republican party. A Democratic state for nearly three-quarters of a century, Missouri today is uniquely independent in politics. The senatorial political prize has never gone begging in Missouri, still Missouri for two years (1855-1857) was represented in the United States Senate by only one man—Henry S. Geyer—the first instance of its kind in American history. A greater paradox is the refusal of Missouri's governor, Sterling Price, to appoint a senator when the Legislature failed to agree. The principal of this refusal, based on strict interpretation of powers, was later given official

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\*An address delivered at the general session of the American Historical Association in St. Louis, December 29, 1921, commemorating the centennial anniversary of the admission of Missouri to the Union.



declaration by the United States Senate. What state can present such paradoxes as these? Known most widely today for her Pershing, Crowder, and "I'm from Missouri, you've got to show me." Elected as her first two, United States Senators men who legally by congressional enactment drew per diem compensation and mileage for three and one-half months before their terms began but who refused to accept courtesy mileage? For thirty years followed the greatest statesman of the West, then defeated him for his pro-Union principles and ten years later in state convention assembled declared for peace, conservatism, and Unionism? Honored with titles and monuments the man on whom the mantle of Benton fell—the great Frank P. Blair—a Democrat first, then a fighting Republican, and last a fighting Democrat without fear or reproach whose name is preserved in G. A. R. posts and in the christening name of the sons of Missouri's Confederates? Produced two statesmen, Benton and Blair, who are nationally known, and two more who are hardly known at home, altho on most reliable authority these latter two were exceptional men even compared with the notable senators of ante-bellum days—James S. Green and Lewis F. Linn? Missouri truly is a state of paradoxes in which traditions find fertile soil and flourish profusely.

Despite their youth of a hundred years, the traditions surrounding Missouri's struggle for statehood today have a currency ring and the general popular acceptance of legends. They are part of our sagas and some have crept even into national life. Hardly a phase of this question lacks a legend, and hardly a legend possesses a truth. For fifty years Missouri was the cross-roads of trade, transportation and emigration from east to west. This geographical position, the most important influence in her history, was conducive to social change and economic development. It was not conducive, however, to intellectual stability. On the other hand, if ever a state needed the most searching, painstaking scholars to unravel her web of history, that state was Missouri.

The Missouri question is popularly interpreted as confined to the single Missouri Compromise of 1820. In fact,

however, it includes *two* compromises—the one of 1820 and another one in 1821. The latter is usually slighted or ignored. The Missouri Compromise of 1820 was logically a Louisiana Purchase compromise. On the other hand, the neglected or ignored compromise of 1821 was an attempted compromise or restriction on Missouri's statehood, enforceable on Missouri as a necessary condition but violable without penalty after compliance. Further, contrary to popular conception, the author of the compromise of 1820 was *not* Henry Clay but was Jessie Burgess Thomas of Illinois. The real Missouri Compromise, the one of 1821, *was* fathered by Henry Clay.

A tradition even more widespread interprets the compromise of 1820 as a northern victory. Area is the argument used. Excluding the state of Louisiana, admitted in 1812, the Louisiana Purchase country included 834,352 square miles. From this area twelve states were later formed in whole or in part. Of this area the south retained for slavery expansion 175,000 square miles, or what are today the states of Arkansas, Missouri and in part Oklahoma; the north obtained for free soil 659,000 square miles, or what are today in whole or in part the states of Colorado, Iowa, Kansas, Minnesota, Montana, Nebraska, North Dakota, South Dakota and Wyoming. The conclusion *seems* inevitable that the compromise of 1820 was a northern victory, the south retaining only territory which was predestined to slavery by southern position and southern settlers. The error of this conclusion lies in confusing our latter 19th century geographical conception of the trans-Mississippi country with the American geographical conception of that section of 1820 or even 1830, 1840 and as late as 1850.

There can be little doubt that the standard histories of the United States have failed to emphasize the importance of the American geographical conception of the Trans-Mississippi country, excluding Texas, from 1810 to around 1850. This concept of all north and west of Missouri is concisely defined in the term used for nearly half a century by scholars and statesmen, text-book authors and novelists. That term was "The Great American Desert." For forty years "The

Great American Desert" included what is today one-half of the world's greatest granary—the Mississippi Valley. Considering the relatively accurate knowledge of the trade routes of this region possessed by traders, trappers and explorers, and considering even the relatively accurate knowledge of this region possessed by scientists and observing travelers, it is surprising that "The Great American Desert" persisted decade after decade, a barrier to settlements, a refuge for savages, and an all too handy term of derision by foreign writers and statesmen to discourage emigration to western United States. In reading the literature of that day descriptive of this section, it seems that the Government reports educated the adult population and the school text-books educated the growing generation to recognize the fact that America could rival Africa in possessing a Sahara.

The popular American geographer of the latter 18th century was Jedidiah Morse, a native of Connecticut, a graduate of Yale, the head of a ladies' school, an ordained minister, a five-year journalist, and a two-year government official. His qualification as a popular writer is proven by his output of four geographies. His accuracy as a geographer is indicated by this quotation from one of his works: "From the best accounts that can be obtained from the Indians, we learn that the four most capital rivers of the continent of North America, viz.: the St. Lawrence, the Mississippi, the River Bourbon (Missouri) and the Oregon, or River of the West, have their sources in the same neighborhood." On his map the Oregon had its source in northeastern Dakota and emptied in the Bay of San Francisco. St. Louis is on the east side of the Mississippi. He says, "It has been supposed that all settlers who go beyond the Mississippi will be forever lost to the United States." Jedidiah Morse gave the American people the most advanced data of our interior as was known in New England.

The first decade of the 19th century saw the four-river source myth exploded by Lewis and Clark and Pike, but a new myth, "The Great American Desert," was born. All three explorers were under commission of the United States

Government. To Zebulon M. Pike, a native of New Jersey, the West is largely indebted for "Pike's Peak," the prospect of profitable trade with Santa Fe, and the mirage-barrier of "The Great American Desert." This New Jersey-Pennsylvanian did more thru his report of 1810 to the War Office to retard settlement of the trans-Mississippi country than all the Indian tribes of the plains. His report contains such descriptions and comments as this: "From these immense prairies may be derived great advantage to the United States, viz.: the restriction of our population to some certain limits and thereby a continuation of the Union. Our citizens being so prone to rambling and extending themselves on the frontier, will, by necessity, be constrained to limit their extent to the West to the borders of the Missouri and the Mississippi, while they leave the prairies, incapable of cultivation to the wandering and uncivilized Aborigines of the country." Here was an official report, based on two explorations, on the country north and west of Missouri. Pike had done more than explore the sources of the Mississippi and discover the peak which bears his name. He had discovered a desert that equalled the Sahara. In geographies and literature both in America and in foreign countries, "The Great American Desert" was now to receive unstinted publicity.

The next nation-wide advertisement of this district was again gratuitously written by a government official. To Major Stephen H. Long, a native of New Hampshire, a graduate of Dartmouth, and an officer in the United States Army, is the West indebted for the vivid colorings of "The Great American Desert." His great exploration of 1819-20, set forth in his report to the Secretary of War, is important in holding out promise of a lucrative trade with Santa Fe, and in picturing the West beyond Missouri as uninhabitable. He described the country between the Mississippi and the Missouri in these words: "Large tracts are often to be met with, exhibiting scarcely a trace of vegetation." Of the mountain region he wrote: "It is a region destined by the barrenness of its soil, the inhospitable character of its climate

and by other physical disadvantages to be the abode of perpetual desolation." In conclusion he says: "From the minute account given in the narrative of the expedition of the bad features of the region, it will be perceived to bear a manifest resemblance to the deserts of Siberia."

As government documents Pike's and Long's reports were widely circulated and generally accepted. They furnished the data for statesmen, historians and geographers. The school geography of Woodbridge and Willard of 1824 thus describes the present Nebraska district: "The predominant soil of this region is a sterile sand." Later geographies used in the schools contained similar descriptions. Iowa and Minnesota were eliminated only as they were settled. The most graphic and damaging picture of the "American Desert" came from the pen of America's novelist, Washington Irving, when his *Astoria* appeared in 1836. Even in 1849 Olney in his geography in describing the great plain region, which he labeled "Great American Desert" said: "This Desert is traversed by numerous herds of buffaloes and wild horses and traversed by roving tribes of Indians." Such descriptions were repeated in 1852 in Smith's geography where he says that the Nebraska country is "little better than a desert," and that the Dakota and Montana country "resembles Nebraska in soil." Gradually the American Desert shrunk. By 1867 western Kansas remained and ten years later only the Bad Lands of Dakota were left. "The Great American Desert" of Pike and Long which were in the minds of the statesmen of 1820 had disappeared.

Clearly evident is the fallacy of the contention that the northern statesmen won on the Missouri Question of 1820. The pro-slavery leaders secured all territory which gave evidence of future settlement. The rest of the Louisiana Purchase was "uninhabitable," a part of the "Great American Desert." The soil of freedom was "sterile" soil. Not until the prairies were settled, not until the enterprise of the American western pioneer had built homes and reaped harvests, did the East acknowledge and the South recognize

that the soil of freedom north of 36° 30' was fertile soil. Then grew the tradition of the northern victory of 1820.

Another tradition rising from the Missouri question relates to the significant strength of the anti-slavery or slavery-restriction sentiment in Missouri. The only reliable measure of such sentiment is the campaign and election of the delegates to Missouri's constitutional convention of 1820. Only in 1820 was there open discussion pro and con of slavery itself in Missouri. There was no hedging, not even an attempt to arouse passion for slavery on the basis of digging up old anti-Congress arguments.

One editor, the veteran Charless of *The Missouri Gazette*, led the slavery-restrictionists. They could not complain of lacking a leader of ability, courage and integrity. But their defeat was decisive. Out of over eight thousand votes they polled about 850. There were eight pro-slavery voters to every slavery-restrictionist voter. Not a single avowed restrictionist delegate out of forty-one was elected. Pro-slavery sentiment in Missouri in 1820 was overwhelming. Missouri's 10,000 slaves, her 10,000 pro-slavery French inhabitants, her 40,000 southern settlers, gave economic and social bases to pro-slavery public opinion. Justice and humanity were on the side of the restrictionist, also the far-sighted logic of the future was theirs, but self-interest and the logic of the present fought on the side of the pro-slavery party.

A popular tradition, widely reproduced in speeches and text-books, concerns the election of Missouri's first United States senators, Barton and Benton. This tradition says that Barton was unanimously elected and that after several days of balloting Benton was elected. The records of the Missouri Senate show that Barton was not unanimously elected and that both he and Benton were elected on the same day and on the same ballot. Another tradition, this one illustrative of pioneer economy, gives the cost of Missouri's first constitution as \$26.25. This was merely the amount of the secretary's contingent bill. The actual cost of the constitution was about \$8,800. Even this amount was only one-third the cost of Missouri's first volume of session acts.

A tradition has arisen to the effect that altho Missouri had her state government in operation nearly a year before she was admitted, Missouri did not have her courts in session. This position is unfounded since both state circuit courts and the supreme court handed down decisions prior to August 10, 1821. A more widespread tradition isolates Missouri's struggle for statehood as unique in American history and makes Missouri's political condition from 1820 to August 10, 1821, as being without parallel. Missouri's struggle for statehood and her *de facto* statehood prior to admission are unique *only* in duration of time and simply furnish to the historian an interesting western state type study. Another tradition has attempted to relate the Missouri Question with the so-called Texas Conspiracy of the slavocracy. There is no substantive evidence to support this legend or to support the charge of a Texas conspiracy in the 20's on the part of the statesmen of the South. There are, however, out of the mouth of Stephen F. Austin, the leading Missouri colonizer of Texas, very plain words to nullify this tradition. Moreover, Von Holst, who gave this tradition respectability, is in error in founding it on the area theory of the Missouri Compromise of 1820. With the American conception of western geography prevailing in the '20s and '30s the South, could have had no fear of northern expansion on the plains and the north could have entertained no hope of such expansion. The settlement of Texas was based on cheap land, its independence and acquisition was a classic example of the aggressive West expanding and conquering.

The last tradition of the Missouri Question indicts Congress for error and the Missouri Legislature for blindness concerning the compromise of 1821. In Missouri's constitution of 1820 was a clause commanding the Legislature to pass laws prohibiting free negroes from coming to and settling in Missouri. This clause was part of the 26th section of the 3rd article of the constitution. Congress objected to this clause and imposed as a necessary condition of admission the passage of a solemn public act by the Missouri Legislature pledging the State never to construe this clause so as to abridge



the rights of citizens of other states. The Missouri Legislature in special session of 1821 complied with the condition, passed the solemn public act, and on August 10, 1821, Missouri's admission was declared complete by proclamation of President Monroe. The tradition arose that the clause as *indicated* by Congress was not and could not be identified with the objectionable free negro clause of the Missouri constitution. The original Missouri edition of the constitution and all the revised statutes of Missouri were consulted and compared. Sure enough, Congress had made an error, said tradition. The truth was, Congress had been accurate. The Missouri constitution as printed in Washington, D. C., by Gales and Seaton differed from the Missouri edition in the indentation of clauses of section 26. Congress worked with the Washington, D. C., edition, Missouri had always worked with the St. Louis or Missouri edition. Tradition had also said that, strange as it seemed, neither the Missouri Legislature nor Missourians of 1821 noticed this error of Congress. The fact is that Henry S. Geyer of St. Louis, the author of the solemn public act, not only noticed the seeming error of Congress but called the attention of the Legislature to it and thereby facilitated the passage of the act. Moreover, disclosure was publicly set forth in the *Missouri Gazette's* report of proceedings of June 13, 1821. So the error of Congress becomes an accurate statement, and the blindness of the Missouri Legislature becomes keen-sighted policy.

Is Missouri alone the state of paradoxes and traditions? Or is she like all of the West, the victim of misinterpretation, the hoax of "A Great American Desert" myth, the joke of an outlaw and banditry tradition, and the sacrifice of her own all too late appreciation of the permanent value of sound historical studies? I advance the proposition that those states stand highest in general renown which have stood highest in popularizing their true history. Such states may have blots on their commonwealth escutcheons but these blots assume greyish tints in the halo of widespread historical appreciation. Other states may have produced an advanced civilization and a galaxy of truly eminent men but without

a popular appreciation of history based on scholarly research these states rely on tradition, which, seeking always the spectacular, heralds only the striking, whether it be helpful or harmful, important or insignificant.

The West regards itself as broad-minded, light-hearted and very democratic, and forgets that these attributes are attained only after long and hard striving. Broad-mindedness comes only with study and cosmopolitan association. Light-heartedness comes only with culture and refinement. True democracy, not hero-worship, is founded only on conservatism. It has been but recently that these conditions had widespread existence in the West. Pioneer life is serious, sacrificing, isolated. The specialist, whether historian or scientist, is taboo. Such a life is conducive to hero-worship, to snap-movements, to nostrums. Immediate action is demanded, evolution is ignored. Tradition displaces the historian; oratory, the scholar; and wit and sarcasm, the great leader. As education, culture, and popularized history grow, conditions change. Traditions give place to accurate history, the people's pride in their past increases, new data is brought to light and after careful weighing is given proper place, the spectacular is found in the truly significant, and the exceptional—the historical sports—is isolated. The Missouri Question instead of revealing an intense sectional hostility stands rather as revealing only *tendencies* towards a breach between slave-holding and nonslave-holding states. The geographical victory of the North in 1820, becomes a pronounced Southern victory. "The Great American Desert" becomes a harmful myth. The restrictionist sentiment in Missouri in 1820 becomes insignificant without power, influence, or sustaining foundation. The mistake of Congress in 1821 becomes an accurate statement of fact. Within fifty years, a mere pause in history, the traditions of the Missouri Question will pass, for today Missouri's people realize that facts are better than legends, and that history compiled by scholars and popularized throughout the commonwealth is superior and more profitable in every way than stories, features and myths.

## PIONEER LIFE IN SOUTHWEST MISSOURI

By Wiley Britton

## SECOND ARTICLE.

## CHAPTER IX.

## THE FAMILY MENU.

With very few exceptions the early pioneers settled near a good spring in the Ozark region, so that the family could be supplied with abundant pure water, and have a spring house for keeping milk and butter. The spring house was generally a few feet below the spring, its waters running through the spring house were so cool that they kept the milk and butter sweet in the summer and prevented them from freezing in the winter.

During the spring, summer and autumn, the cows lived on the wild grass on the range. We fed our milch cows in the spring and summer of evenings on corn meal and bran, slightly salted and mixed up with water, which not only had the effect of improving the richness of the milk and butter, but also of having them get into the habit of coming home at milking time.

But during the winter nearly every family fed their cows on corn, corn meal and bran and hay or fodder. In some families the cow was almost next to the mother of the children in supporting and bringing them up, and it was often interesting to see a couple of little tots, each with a tin cup in its hand, eagerly peering through the spaces between the rail fence, watching their mother milk the cow in the lot, ready to have their cups filled with warm milk.

In some families the male members did the milking and in other families the female members. When the cows were milked the milk was strained into an earthen crock, which was placed in the spring house in order that the cream might rise. The cream was put into a larger crock and when filled the cream was put into a churn ready for churning and making

into butter. The churn was a wooden vessel made of cedar staves and bound around with smooth wooden or brass hoops; was covered with a movable lid at the top that had an inch hole in the center for the dash stick; the lid fitted into a space in the upper ends of the staves. The dash was a smooth round stick as large around as a broom stick and about three feet long, and had fastened on the lower end two pieces of wood that crossed each other, and in churning the dash stick was seized with either hand and moved up and down slowly or rapidly as required, until the butter was separated from the cream, leaving buttermilk.

Corn was the main crop raised by all the pioneers, and corn bread was the principal bread used at the meals morning, noon and evening, for it required a quicker and simpler process of getting it from the corn on the stalk to the mill ground into meal ready for baking, than wheat-flour bread, which took a more complicated process of getting it from the grain.

It is known to those who have studied the dietary effects of different foods, that corn bread is digestible in almost any form prepared; but our mothers of that day knew how to prepare it in several palatable forms, plain corn bread or pone; light corn bread, and corn bread made with shortening from the renderings during the winter season when the fat hogs were killed. Nearly every man kept a few hogs, and early in the fall put up in a pen two or three to fatten, feeding them on corn and swill until the early part of January, when they were killed and dressed and the different parts salted down in barrels.

But in a month or so after the brine formed, preserving this meat, it was taken out and hung from poles in the smoke house, and a slow fire built under it and smoked for several days; giving the owner the consciousness of having a good supply of fine bacon, sides, hams and shoulders for his family the coming year.

That there might be as little waste of the edible parts of the slaughtered hog as possible, such parts as the ears and feet were made into souse, a kind of pickle, and other parts into



GREER OR BIG OZARK SPRING, NORTH OF ALTON, OREGON COUNTY, MISSOURI.  
 REPORTED TO BE THE LARGEST COLD WATER SPRING IN THE WORLD.  
 FLOWS 435,000,000 GALLONS EVERY TWENTY-FOUR HOURS.  
 (Courtesy Springfield, Missouri, Chamber of Commerce.)



BENNETT SPRING, BETWEEN BUFFALO AND LEBANON, IN DALLAS COUNTY, MISSOURI.  
 (Courtesy Springfield, Missouri, Chamber of Commerce.)



sausage, both of which could be kept for some time; but other parts were not so easily kept, as the ribs, and part of the menu of the family was likely to be "spare ribs," a delicious morsel, for a few days until they were exhausted,

From the region of the kidneys were taken thick folds of fat which were rendered into lard of the finest quality and put up into earthen jars, which the mistress of the house could point to with genuine pride, when she desired it in making light, feathery biscuits. But the people did not use pork and bacon altogether; a fat young beef was killed now and then by one of several neighbors and quartered and divided between them, which each was expected to pay back in kind when he slaughtered his beef, so that nearly every family had fresh meat when they desired it.

There is another part of the family menu not yet named, and that is the chicken, and sometimes turkey, for the mistress of every home raised chickens and turkeys and had eggs and chicken when they wanted them.

But it was when the preacher came home with the father and mother from meeting on Sundays that the chicken was at its best; it was then that the mother fried it or stewed it or made chicken dumplings and put it on the table, which was dressed with her finest linen and her best dishes, the proper ones loaded with fruits of the season, honey and sweet butter, white feathery biscuits and home-made sauces for seasoning, strong coffee with rich cream turning it to a golden color; and it was then that after all the grown folks had sat down to the table and the preacher had returned thanks to the Giver of all good things, that he complimented the hostess for the bountiful offering spread before them.

And it was then too, that the children who were obliged to wait for the grown people to dine and looked on with watering mouths and hungry expressions, impatient of the delay that was keeping them from the feast, which was late when it began. It was then after father and the preacher had got up from the table and strolled about the place in friendly conversation about the crops and the seasons and the topics of the times, while the children were dining and the



dishes cleared away, that they returned to the house and took their seats and commenced the discussion of religion in general, and certain doctrinal points in particular, as salvation by faith and repentance, the merits of baptism by sprinkling or immersion, infant damnation, the Resurrection, and other kindred subjects of dispute between different denominations of Christians, all of which lasted up to the time of going to the evening religious services which might be several miles distant.

But the family menu has not yet been exhausted, particularly in regard to the every day substantials, and special extras, for at intervals we had other good things to eat than those we have named. Practically every family raised white or Irish and sweet potatoes, sage, red pepper, string beans, roasting ears, onions, peas, pumpkins and squashes, cabbages, turnips, beets, peaches and apples, and all these formed a part of the family menu of the average family when they were in season, and most of them were preserved in some form or other during the winter. When the first frost came and killed the pumpkin vines, the pumpkins were hauled from the field and covered up in an enclosure where they would not freeze and at leisure taken out and peeled and cut into rings and hung on poles in the smoke house to dry, which, when cooked later into a thick sauce made excellent pumpkin pie, not such as the pumpkin pie of later times, but such only as the mothers of those times knew how to make, baked in ovens heated with living coals of fire. And the sausage after the hogs were killed, how delicious to the healthy child, as made of the trimmings of the dark meat mostly, but not ground with a sausage grinder as in later times, but with sage and pepper and salt added at the proper time, beaten on a solid block of wood until thoroughly macerated, and then removed and put away in jars or crocks, or put up in the intestines of hogs, after thoroughly cleaning, and hung up in the smoke house until needed.

When a change of menu was desired, baked white potatoes or sweet potatoes with sweet milk and butter, were considered appetizing and satisfied the pinch of hunger; or

if something more rugged was required, due to weather or other conditions, corn bread and pork and beans, or pork and cabbage might be introduced at intervals for the dinner meal, with such accessories as apple sauce or peaches and cream.

There was another item of the family menu that was popular at intervals for supper, and that was milk and mush; the mush was made of corn meal well sifted and put into boiling water and boiled down to the proper consistency and then taken out and placed in a large dish and passed around in a saucer or bowl to each member of the family who was supplied with rich milk to pour over it, when it was ready to be eaten with a spoon. When the family had mush and milk for supper, there might be other food on the table, but very little else was consumed, except perhaps pumpkin pie, or some kind of cooked fruit, which was generally prepared for either meal of the day.

For breakfast, every family, no matter what was their condition, used coffee, particularly the father and mother; but if they kept cows and had plenty of milk the children were encouraged to use it, so that in some families at least, part of the children grew up without having acquired the habit of using coffee. At other meals coffee was rarely on the table except when the family had company, and then a good strong cup of coffee with rich cream, was considered appropriate to serve the guest, who, though not using it at home at other meals than breakfast, appreciated it as a compliment.

We had in that region what we called spice wood or spice bush that grew in the bottoms and along the streams, attaining a height of six to eight feet, and a thickness of an inch or more, from which tea was sometimes made, and with a little cream and sugar sweetening, was quite pleasant as a drink. There was little India tea used, but every year in the early spring, for a few weeks, the morning menu was slightly changed in many families, and they had in lieu of coffee and milk, sassafras tea, which, with proper sweetening and cream

to improve the flavor was pleasant to the taste and acceptable as a change.

It was a belief entertained by many in that section that sassafras tea used for a few weeks during the month of March was beneficial to the blood; but no one could say that the theory was based on observation; no one could say from tests as to whether his blood was any thinner after using it a couple of weeks than it was before that. The bark was stripped from the roots of the smaller growths of the tree, which were found in great abundance on arable land or on cultivated land that had been turned out for a season or so, and dried, and the smaller roots without being stripped of their bark, were also cut and dried and laid away until they were needed.

Each of the seasons had its particular wild fruits, berries and nuts, as spring with its strawberries, sarvis berries, dew berries, raspberries; summer with its blackberries, huckleberries and fox grapes; autumn with its pawpaws, persimmons, hickory nuts, walnuts, chinquepins, hazel nuts and wild grapes, smaller than the summer grapes, all of which the people shared with the birds and animals in appropriating to their use.

As a part of the family menu, meat was a feature in nearly every family, and in some families a very important feature, for if the head of the family passed most of his time in the woods and forests hunting, his family depended not only for their meat supply on his success in hunting and killing and bringing home wild game, but also for other supplies, as corn meal and flour and other items of food which he did not produce and for which he must exchange so much of his wild game as he did not actually need.

His neighbors who devoted their lives to farming and had a surplus of the products of the farm, were generally ready to exchange with him any of the items of food for part of a venison or wild turkey gobbler. Those who devoted little of their time to hunting, were not in all cases dependent on the hunter for wild game that furnished a part of the family menu, for along the fence rows and in the woods and thickets

near their farms, there were flocks of quail, and in the autumn and winter there were flocks of prairie chickens, and alighting in their farms, there were flocks of quail, and in the autumn and winter there were flocks of wild geese and ducks.

Almost every farmer boy twelve years of age could tell you of his luck in trapping quail, half a dozen to a dozen at a time in his figure four trigger trap, and he could also tell of his success in trapping prairie chickens in a larger trap of the same kind as that set for quail, in a field near a corn shock. Many farmers kept a gun, rifle or shotgun, and when a flock of wild geese or ducks alighted in his meadow, the farmer could generally approach it from the windward and nearly always succeeded in hitting one on the ground or on the wing as they rose to fly away.

After the western part of the Ozark region gradually became more settled and the farmers had emerged from earlier pioneer conditions, in normal years they raised a surplus of corn and wheat, cattle and hogs and horses and mules, for which they had a kind of home market, particularly in the southwest part of the State, disposing of their corn and wheat to their neighbors who were generally short on these products, and to the Cherokee Indians who always had money paid to them by the Government and purchased liberally of our farmers, corn, wheat and flour. These Indians had a fine grazing country and every year raised great herds of cattle and horses that required very little attention, but found some sale with the Missouri farmers.

Every spring drovers came around and bought up of the farmers of our section all the steers they could get to drive to Independence as soon as the grass would afford good grazing.

From the early fifties on up to the war, Independence was an outfitting point for the western forts, for the trappers of the Rocky Mountain region; for the Santa Fe and Salt Lake trade, and for the California emigrants, and every spring and during the summer, many wagon trains were fitted out there with supplies for those posts.

There were some lean years as well as fat years, when

there were seasons of excessive rains and seasons of excessive droughts, almost destroying the crops and imposing hardships upon all and restricting the family menu in many respects.

## CHAPTER X.

### HOMEMADE CLOTHING.

The pioneers were dependent upon their own resources for clothing, food and shelter, which they were obliged to provide with such skill as they possessed, often of a rude kind.

Every pioneer came into the country from the east driving a two-ox or two-horse team, the wagon containing the belongings of the family, and the mother and children, while the husband and father walked beside his team, the left side, to guide it and pick out the road, which, in those early days was little more than a bridle path, badly washed out in places by heavy rains. On reaching the intended destination, the pioneer sought and camped near a good spring and immediately commenced to provide shelter for his family by cutting and hauling logs from the forest to build a log house, which he asked his neighbors to assist him in raising.

There was hardly any family completely independent of their neighbors; but most of them were able to supply their own wants in the way of clothing and food after they became settled.

Every father made and repaired the shoes of his family; made the ox-yoke and the bows for it for his pair of oxen; made the hames and collars for his pair of horses; but the leather for making and repairing shoes and for making and repairing his horse collars had to be obtained from the tannery; the ring and staple in his ox-yoke had to be obtained from the blacksmith, and if he had a damaged wheel on his wagon, he had to take it to the wheel-wright to have it repaired.

On coming into the country from Indiana, father entered an eighty-acre tract of land on Shoal Creek near the present



NIANGUA RIVER EMPTYING INTO THE OSAGE  
(Courtesy Springfield Chamber of Commerce.)



GRAND FALLS, THREE MILES SOUTHWEST OF JOPLIN. ONE OF THE MOST  
BEAUTIFUL NATURAL WATERFALLS IN THE COUNTRY.  
SHOAL CREEK PASSES OVER THESE FALLS.  
(Courtesy Joplin News-Herald.)





site of Neosho, and after putting up a log house and moving into it and raising a crop of corn, started a tannery which supplied the neighborhood with leather.

Thus it was that there were in every neighborhood men sufficiently skilled in the different vocations and crafts to supply the wants in every department of a primitive community.

Nearly everybody raised a few head of sheep and a patch of cotton, the sheep for wool for making into clothing, blankets and stockings, and the cotton to mix with the wool as warp when weaving cloth for the family. When the sheep were sheared in the spring the wool was washed and the burrs picked out of it, and when other work was not pressing, carded with hand cards into rolls ready for spinning into thread for hanks of yarn for the loom or knitting into stockings.

When the cotton, which had been planted, was picked from the stalk in the latter part of the summer or autumn, it was brought in and stored in a dry place, and at leisure the seeds ginned out with a hand gin, which consisted of two upright pieces of wood about two and a half inches square and perhaps fifteen inches in length, and about twelve inches apart, the lower ends fastened into a block or bench, and the upper ends firmly fastened to a cross piece. An inch or so below the cross piece two holes were bored one above the other in each of the side pieces, into which were fitted two rollers about one and a half inches in diameter, and on to the ends of one was fitted a handle or crank for turning it, which also turned the other at the same time. As the rollers were fitted close together, a person could sit down in front of the gin and with the right hand turn the handle or crank, and with the left hand feed the cotton so that the lint or fiber passed through between the rollers, leaving the seed to fall down in front of the gin.

This was a slow process of cleaning the cotton of the seeds, and could be performed by the children above ten years of age; but it effectively separated the fibre from the seeds, and it was the process used in preparing the cotton for the hand cards to be carded into rolls; it was an almost exact replica

of the modern wringer used in forcing the water out of the clothes that have been washed.

We always spoke of the hand cards as a pair of cards, as it took two to card wool or cotton into rolls, using one in each hand. Each of the cards was about twelve inches long by five inches wide, with a handle on each four or five inches long, and glued on to the inside of each was a piece of leather of the length and width of the card into which was fastened thickly over it pieces of wire, perhaps not more than a quarter of an inch in length, called the card teeth, and when wool or cotton was placed on one and the other drawn over it, tended to straighten out the fiber into a soft fluffy mass, that was easily manipulated by the carder into a roll of the length of the card, and as large round as a sperm candle.

As fast as the rolls were made they were laid away in bundles ready for the spinning wheel, which might be operated by the mother or daughter of the family while another did the carding. The spinning wheel used for spinning wool or cotton was the larger one as distinguished from a smaller wheel used for spinning flax into thread for making linen, and was also found in many homes. But the larger spinning wheel was of simpler construction than the smaller one; it was made of a block of wood about four feet long, eight inches wide by two inches thick, and had fastened into a two-inch auger hole in it, somewhat to the right of the center, a three-inch round upright post about two feet in length, the lower end sloping to fit into the two-inch auger hole. An inch below the top of the post was fitted a smooth steel spindle, perhaps half an inch in diameter, for the wheel which had a hub or nave with boxing like an ordinary wagon wheel, from which radiated twelve to sixteen spokes, larger than the little finger, to the rim, which was about the circumference of a buggy wheel, say three feet in diameter, and was about two inches wide, a quarter of an inch thick, with a fluted groove in the outer center half an inch wide, and an eighth of an inch in depth, around the rear of which the band of belting passed around the small steel spindle in front and

to the left, which was about six inches long and an eighth of an inch in diameter, the left end tapering to a point.

Near the left end of the four-foot block, which was the body of the spinning wheel, there was an inch auger hole into which was inserted a turned piece of wood about fifteen inches long or high, on to which it fitted into an inch auger hole in the center of a turned piece of wood about six inches long and two inches in diameter. Near the ends of this turned piece of wood there was a half-inch auger hole into which were fitted two turned pieces of wood about six inches in length near the upper ends of which passed through the steel spindle which was fastened into a roller or wheel, around which the band or belting passed from the large wheel, so that one revolution of the large wheel made many revolutions of the spindle.

The four-foot block on which the spinning machinery rested had three legs, one long leg in front and two much shorter legs in the rear or right, the lower ends of which sloped to the left and right. In spinning the operator stood on the left of the big wheel and the spinning gear in front and turning the big wheel with the right hand, held one end of a roll to a piece of thread attached to the spindle, and when united, walked backwards a few steps to draw out the thread and then forward to run up the thread on the broach.

Those women who had become expert in spinning could perform the work almost automatically, for during the years of my childhood I have seen my mother day after day and frequently far into the night, spinning cotton or woollen rolls into thread on her spinning wheel, and sometimes in humming an air or tune, it seemed to blend with the whirl of the wheel as she walked backward and forward in the rounds of her work. The whirl of the wheel as she turned it with the right hand in walking backward three or four steps to draw out the thread with the left hand, after the lapse of many years, comes up as vividly in my mind as when I saw her at work, for indeed it was a task for any mother with a

family of several children to spin and weave the warp and woof of the cloth she made for clothing for her family.

It was interesting as a child to watch her unite the woollen roll with the scrap of thread at the end of the spindle and then draw out the thread until it was sufficiently twisted and then run it up on the broach on the spindle. When the broach on which the thread was coiled was considered large enough it was removed with the sheath from the spindle and ready to put on a reel to make into a yarn hank, and the process of spinning thread and coiling it into broaches to put on the reel and made into hanks continued until it was estimated there were enough of them to make a given number of yards of cloth.

But there was much work yet to be done before the hanks or skeins were ready for the weaver; it had to be determined whether the cloth to be woven would have a warp of cotton, or whether it would be all wool and have a warp and weft of wool.

This matter having been determined, the yarn hanks had to be prepared for the warp to go around the big beam or roller, which was about four feet long and six or seven inches in diameter, on the back part of the loom, the width of the intended cloth, and the loose ends fastened in front of the sley.

Other hanks had to be prepared for the shuttle, which carried a bobbin containing the yarn of the weft or woof, and was thrown from one side of the web to the other between the thread of the warp, which passed through the sley or rather two sleys, made of thin strips of reeds about six inches in length set into a frame whose length was the width of the loom.

There were two treadles attached to the sley which the weaver from her seat could press upon with her feet, but one at a time would lower a sley, or releasing the foot from the treadle would raise the sley, half of the threads of the warp being held down and the other half being held up about two or three inches above the lower ones, between which the shuttle with the bobbin containing the thread of the weft

passed, when the lower sley was released and the upper one pressed down, making a perfect crossing of the threads when the last thread of the weft was pressed close to the previous one by the teeth of the sley.

The sleys were fitted into the lower part of a frame, the upper part of which operated on pivots on the top of the loom, allowing the lower part to be moved backward and forward at will through a space of ten to twelve inches, and each movement was accompanied with the sliding up or down of one of the sleys when the pressure of the foot of the weaver was put on one of the pedals or released from it. A good weaver might weave two and a half yards of cloth in a day if she had some one to fill the bobbin, carried by the shuttle with yarn for the weft; but it would keep her busy from morning until night.

If the cloth to be woven was intended for pants or coats for every day use, it was generally colored brown by a concoction of boiled walnut leaves, bark, or hulls from walnuts after they had fallen from the tree, and the process of coloring could be while the yarn was in the hanks for the warp and woof, or it could be attended to after the cloth had come from the loom.

When the cloth was intended for the women or girls of the family, it was generally striped linsey and the yarn hanks had to be dyed the desired colors before going into the warp and woof in the weaving, and when plaid linsey was to be made, the warp and woof both had to be dyed in the hanks of the desired colors, before the weaving commenced.

Madder, indigo, copperas and green were the dyes used for getting the colors of the cloth to be woven, and every housewife knew how to prepare them to get the best results by patience and indefatigable industry. When the weaving of a piece of cloth was finished, it was taken out of the loom and laid away to be made into clothing and the warp and woof prepared for another piece, so that the loom was sometimes kept in operation the greater part of the year, with only short intervals when other work was pressing.

Every mother was the family tailor and cut and fit and

made the clothing for her children and for herself and for her husband, and knit the socks and stockings for the family, leaving her as the only time for recreation going to church on Sundays, to which she might have to ride on horseback ten to twelve miles, leaving at home the older children to take care of the younger ones.

It was quite a task imposed upon every mother to look after and keep in repair the clothing of the family, for garments which she had handled in every step from the wool growing on the sheep's back on up through the loom to their giving warmth and protection to the bodies of members of her family, could not lightly be cast aside after so much toil and patience on account of being slightly or considerably worn. Nearly everybody of those days wore patched clothing, and I remember on more than one occasion, when, on someone coming to our house of running and hiding on account of being ashamed of my patched pants. There were no sewing machines in our section at that time, and the mother had to do all her sewing and mending by hand, and when one looks back over those times, with the primitive methods and processes in use, it seems marvelous that the mothers succeeded as well as they did in keeping their families clothed.

And then there was the bed clothing for keeping the family warm in winter, that claimed her attention, from the weaving of woolen blankets to the piecing and quilting of quilts, and the raising of geese and ducks for their feathers for feather beds and pillows. Every scrap of good cloth in worn out garments was cut out and laid away to piece into quilts, and when one was completed and the cotton batting and lining prepared, there was usually a quilting and the neighbor women invited, which meant a good dinner by the hostess to her guests.

This incessant industry of the mothers naturally carries with it a tendency to take care of everything useful, so that there was very little waste in the economy of the household, an important factor in bettering the condition of the family each succeeding year.

The homemade clothing provided by our pioneer mothers,

for comfort and durability, could not be surpassed, and satisfied the aesthetic taste of that region; but when we recall the infinite patience and toil and slowness with which it was produced, it challenges our admiration for the sturdy, industrious, honest people of that time.

## CHAPTER XI.

### RELIGIOUS TEACHING AND TRAINING.

It could not be truly said that religion was neglected by the pioneers of our region, for practically every family in the community where members of some of the Christian denominations of the country. When any community was too thinly settled to have a church or meeting house, services were held in the homes of the members. The congregations in the homes of members were generally small, sometimes not exceeding ten to fifteen persons, and if they had no regular preachers some member known for his ability to talk or exhort, was called upon to officiate.

While country preachers were licensed to preach, which carried with it authority to unite persons in marriage, they had no regular salary, but gave their time and services to their followers without demanding compensation. But the members were not generally entirely unmindful of his sacrifices in their behalf, and perhaps as often as once or twice a year they might have a meeting and decide to make up something for him, consisting of corn, wheat, pork, bacon and other products of the farm of which he likely stood in need.

The preacher may have been a man of whom we heard of many, who considered himself specially chosen to go out and preach the Gospel, regardless of his fitness for the work, as judged by the standards of later times.

In that section, the preacher, generally called parson, was not a man of classical education; but a man who rarely read any other book than the New Testament or Bible, for the reason that the simplicity of the people did not demand a broader culture. Indeed there were preachers who could not read at all; but preached from the words or texts of the



Scriptures as they had many times heard them read or quoted by other preachers in their sermons. In the discussion of doctrinal points, nearly every one interested in religious matters, had heard read or quoted many times, whether he could read or not, the gist of the subject under discussion.

In those early days there was no newspaper in our county and the only books generally found in the homes of families, were the New Testament and Bible and some of the Hymn books used by the different denominations in their religious services. There was no discussion of scientific questions and very little discussion of political questions until the slavery agitation came up, for no one knew anything about science or politics.

Religious thought had the field and it was confined to a narrow channel; each individual gave his own interpretation and made his own comments on disputed points of doctrine without the assistance of Ecclesiastical Commentaries, or other illuminating works, such as were found in the libraries of men who had attended Theological Schools to prepare them for the work of the ministry. The preachers and people were superstitious in regard to many things for it was the general belief that the appearance of a comet was a sign portending war, and that all calamities and disasters, such as cholera, epidemics of all kinds, earthquakes, destructive floods, were evidences of Divine displeasure and sent upon the people as a punishment for their sins.

This idea that the Deity was always ready to punish a nation or community for the sins of omission or commission of a few individuals prevailed amongst not only the illiterate preachers and their followers, but it was preached by the most eminent divines of all orthodox denominations throughout the country, and the man who dared to offer a scientific explanation of an epidemic or any other disaster that had or was afflicting any community or country, or who would have suggested preventive measures for dealing with it, was looked upon as a man who proposed to thwart the will of the Deity.

Nearly every body believed in ghosts, and the wiser heads



WORSHIP IN THE WOODS.



BEAUTIFUL VALLEY.



could quote passages from the Bible in support of their contention that ghosts rise up from grave yards at night in white robes and walk abroad, and many old ladies could testify to having seen them, when the question came up for discussion of evenings in families. Any of the older people brought up in the country of the ante-bellum period, would doubtless be able to recall, how, as children, on listening to ghost stories during an evening, they covered their heads on retiring.

When one looks back over the extemporaneous preaching of that period, it impresses us that it was more effective in rousing people to a sympathetic response to the speaker than the polished written sermons delivered from the pulpits in later times. Very few of the people ever heard a written sermon delivered, so that it became the custom to deliver sermons extemporaneously in all rural localities.

But in all the discourses of these preachers, there was a kernel of truth in their talks, and that kernel of truth was that "we should love one another" and that "we should treat others as we would wish others to treat us," which are expressions of the highest form of ethics enunciated by the philosophers of any age. It has always seemed fortunate that the preachers of that period dwelt so much upon these splendid ethical principles, for it probably had a tendency to soften the effect of their vehement preaching against unbelievers in certain teachings of the churches.

Even before the war, our slow-going conservative region began to tolerate a more liberal interpretation of religion than we had been in the habit of hearing. For many years before the war the Universalists had been interpreters of more liberal thought in religion, particularly in Illinois, and several years prior to the war, quite a number of their members and some of their ministers moved to Southwest Missouri, and into our neighborhood six or seven miles northwest of us, and among them John Baxter, a Universalist minister, who sometimes had religious services in his home.

The Universalists were generally intelligent and well-informed on religious subjects, good controversialists, rather aggressive and delighted in debating with any one who de-

sired to enter the lists as an adversary, so the neighbors were kindly invited to attend the services or meetings at the Baxter home, which were generally on Sundays. There were very few among us who knew anything about the Universalist doctrine; but we knew that they held that all men would ultimately be saved and find happiness in a future life, by the Power of Infinite Goodness.

As Mr. Baxter had a family of bright intelligent boys and girls, some of them grown, quite a number of the young people of the neighborhood accepted the invitations and attended the meetings, at first, more out of curiosity than the expectation of becoming interested; but gradually took more and more interest until the meetings were well attended in spite of the admonitions of some of his orthodox neighbors to beware of his teachings. He had an organ in his home and books and newspapers, evidences of broader culture rarely found in country homes in that section at that time, and members of his family could sing and play and entertain their guests with music or in the discussion of current topics.

It was about this time, or perhaps a little earlier, that the alleged phenomena of Spiritualism invaded our section, and many sittings were had around the tables of Mr. Baxter's home for manifestations, some of which, according to reports, were truly wonderful. As the spirit manifestations always failed to materialize in the presence of the writer, it is needless to give the subject further attention.

But Mr. Baxter was a man of considerable force of character and his living among us was distinctly beneficial in bringing about broader religious and political toleration among the people in that section. It may be stated incidentally that a year or so before the war he moved to a point on Spring River on the Military Road from Fort Scott to Fort Gibson in the southeast corner of Kansas, with his family and took up a claim on which there was a large spring of pure water, and that during the war the Federal troops and escorts to trains marching from Fort Scott to Fort Gibson and to points in the Indian Territory, nearly always

arranged their marches so as to camp at the noted spring, and called the camp Baxter Springs.

The early history of the place was one of tragedies; in the fall of 1860, Mr. Baxter was shot to death by a neighbor in a dispute about a claim his widowed daughter had sold to a neighbor who refused to pay for it, and when he fell, his son Thomas Baxter, who was with him, opened fire on the neighbor and killed his son and man living with him.

In the family government nearly every one believed in corporal punishment in bringing up children, and if one plead for a milder form of control, he was certain to be met with the quotation from Solomon, "Spare the rod and spoil the child."

We must restrain our indignation in reflecting over the harsh and cruel customs of family control we have retained in emerging from primitive conditions, for we are growing out of that kind of control, and must completely grow out of it as we become more civilized, more intelligent. Under our free form of government flogging was permitted in the army and navy of soldiers and sailors up to August, 1861, of the Civil War, when it was abolished by Act of Congress, humane sentiment of the country having outgrown the practice.

It was the custom of the country that prevailed in practically every family, for the head of it to have family prayer before retiring at night, and on sitting down to the meals on the table at morning, evening and noon, he asked the blessing or returned thanks to the Heavenly Father for the food of which we were about to partake. If a preacher or brother in the church dined with us he was always asked as a courtesy to say the blessing or return thanks to our Heavenly Father, and if he did not have the form at his tongue's end, or was not in the habit of returning thanks at the table, he courteously declined.

When friends of different denominations met each other, a Methodist and Baptist for instance, they were full of argument in discussing their respective forms of baptism, whether it should be by sprinkling or by immersion, each

supporting his views on the subject by quotations from the Scriptures.

It sometimes happened that a meeting was at our house, or in the immediate neighborhood, and that a preacher or brother in the church stayed all night with us, which meant that after supper he and father would commence talking religion and keep it up until I dropped off to sleep, in spite of my efforts to keep awake and hear all that was said. The children did not usually accompany their parents to the services in the meeting house, or when they were in the home of a neighbor; but when the preaching was in their own home, they heard and absorbed all that was said and done.

These meeting houses or churches in the country increased in number with the increase of population and prosperity of the people, and were places not only of religious teaching, but had a social feature about them and were places where the young people met and were introduced to each other, starting courtships that ended in marriage. Such places encouraged thrift, sociability, cleanliness and neatness, for the heads of every family worth speaking of, had pride and self respect enough to wish to see their sons and daughters appear to the best advantage at such gatherings, where they might get acquainted with others of their own ideas of taste and social standing.

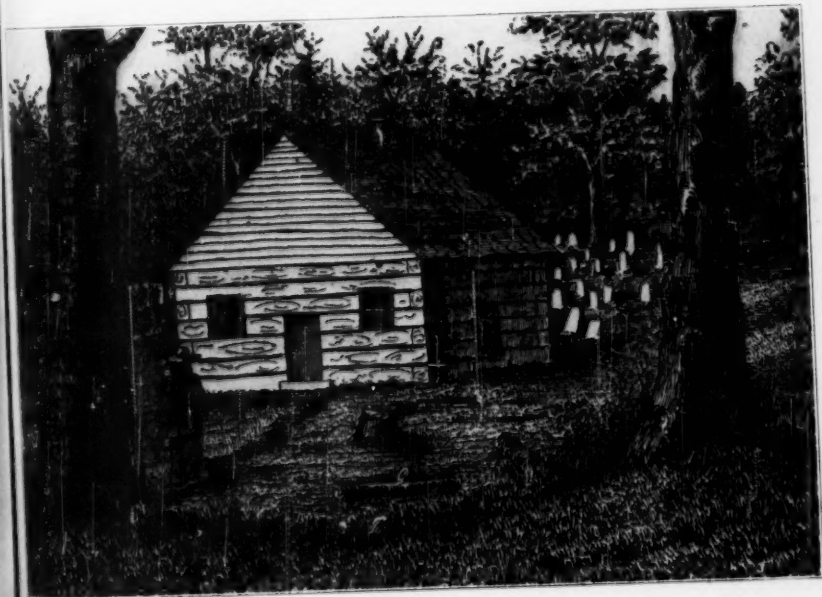
But the Camp Meeting was the religious feature of the year. These meetings were arranged to commence the latter part of July or early weeks of August after the corn was laid by and other crops out of the way, and usually lasted several weeks if the season was favorable for living out of doors. They were located in shady groves near a good spring and clear running stream so that the multitude from the surrounding country, attending, might have the comforts and convenience of living out in the open air for a season, a change likely to be beneficial to those who made proper preparation for camping out.

Those who came from such distance as to make it inconvenient to return home every day, came prepared to camp out until the end of the meeting, using bed quilts and blankets





A TEMPLE OF THE PIONEERS.



BAPTIST CHURCH.

2

for tents, or their wagon covers to protect them from rain or rays of the sun or dampness at night. Benches made of sawed slabs were arranged in rows with aisles between them in front of the platform for the preachers, afforded seats for the assemblage.

Men who were familiar with the sermons of other great preachers, and who had devoted their lives to preaching and stirring up religious assemblages, could draw very realistic pictures. It was not an unusual thing to hear a scream out of some terrified heart, and to see a pale face falling over in a trance or swoon. Most of the people of that region were simple-minded and honest and looked at everything from the realistic standpoint, and were easily swayed by the power of an eloquent preacher.

## CHAPTER XII.

### THE LOG HOUSE.

Most of the people in the country in the Ozark region up to the war lived in log houses and it was no lack of courage and fortitude in one's parents in striving for better conditions to have been born in one, even a round log house. From the first settlements in the eastern parts of the country, as fast as settled up and the best land was taken and the population gradually increased; there were tenant farmers and landless men who were ambitious of having as good farms as anyone about them, and as they constantly heard of the fine farming lands in the new country in the west that they could possess in their own right by moving to and living on them, they determined to make the change, no matter what hardships and dangers it involved.

This is the spirit that has followed the settling of the country from the first, and it often involved the emigrant in many dangers and hardships before reaching the land of promise, for in their paths were mountains and rivers to impede their progress, and treacherous Indians might attack them at any moment after passing into the wilderness or region of uncivilized life. In many instances several families

moved to the new country together, and if we could have a picture of the scenes of their route, we should only faintly realize the struggles of early pioneer life, struggles that have made that life grand in the history of the country.

Despise not the log house, for one of the greatest and best men of this or any other age, the immortal Lincoln, was born in a log house, and a round log house at that, and so we find that the births and early lives of many great men were in the midst of humble surroundings. As far back as I can remember our family lived in a hewed log house up to the Civil War, with a cut-stone chimney, arch, jams, facings and hearth of cut stone; in fact it was a double log house with a space between them eight to ten feet wide for hanging on the walls on each side of the doors opening into each house, saddles and cushion seats of the carriage. This space we called an entry and it had a hard wood floor and was under the same roof that covered the two houses, but was never used as a living part of the premises.

The spaces between the hewed logs of hewed log houses like ours, were chinked and daubed or plastered with mortar, so that the house was fairly warm in the winter, and protected the family from storms and inclement weather; the mortar covering the chinks was white-washed with lime and gave the house a neat appearance, as contrasted with houses that did not have the mortar covering the chinks white-washed. A hewed log house chinked and the chinks plastered with mortar and the mortar white-washed, with cut-stone chimney, open fire-place with cut-stone jams and facings and hearth, is a comfortable house if one is living in the country, even in these progressive times.

If the houses of the pioneers were not ventilated according to the latest sanitary requirements, still it may be said that they were not without effective ventilation, for in the winter when the doors were closed, the chimney performed the function better than many would suppose; its strong draft taking out the used-up air and replacing it constantly with fresh air.

The flaming fire in the fire place and the draft of the

chimney drew to it the minute particles of dust and the stagnant air of the room, so that there was no great risk of the family inhaling disease germs, with which dust particles are so often laden, during the season when it is necessary to keep the doors closed. Even today with the many conveniences of modern progressive life, wood fires in grates or open fire places, are preferred by some people for health and comfort, to other forms of heating. And while our mode of life at that time may seem primitive, yet it was productive of health, for perhaps no age produced a more healthy, robust young people who performed their parts splendidly when the crisis came upon us in 1861, for both sides were lavish in their praise of their western troops for their valor and endurance in the war.

There were probably not as many round log as hewed log houses in our section up to the war, for as a rule the pioneers of thrift and who were ambitious of improving their surroundings, were able in a few years to replace their round log with hewed log houses, using the former for stables and cribs, or as an addition to the new house. While there was little distinction of social status in the community, yet the family living in the hewed log house was generally regarded as holding a higher social status than the family living in the round log house, for usually the home and surroundings of a man were looked upon as an index to his character and energy.

A house raising, whether it was a round log or a hewed log house, was a notable event in which the neighbors, both men and women for several miles around were invited to participate, the men to assist in putting up the logs and notching and fitting them into position, and the women to assist the hostess in preparing and serving the dinner, or sometimes to engage in quilting a quilt. There was always due preparation for the event, the owner having cut and hewed and hauled the logs to the place where the house was to be put up, and the wife, the hostess, having pieced the quilt and placed it in the frame ready for quilting when the guests arrived.

There was nearly always some rivalry between the men in regard to their skill in fitting the logs into position on the corners, the notches on the saddles, and between the women displaying their skill in quilting or in dressing the table.

There was usually one or two in each of the parties of men and women who had some reputation as to skill and efficiency in his or her line of work, the man for the skill with which he fitted his corners with neatness, and the woman for the skill and neatness with which she did her work in quilting.

A good dinner was prepared by the women and a long table improvised so that all the men could sit down at the same time to satisfy their hunger, and after some brother on request returned thanks to the Giver of all good things, one of the guests was asked to do the carving of the turkey, chicken or venison.

On such occasions the table was bountifully supplied with fried chicken and stewed chicken and dumplings, fresh beef, venison and wild turkey, and cakes and pies and fruits of the season, some of the menu of which some of the guests frequently generously contributed, particularly venison and wild turkey which the host would not likely have on hand and which could be accepted to grace the occasion. It was always known which of the guests had contributed special parts of the menu, as the women the jellies and preserves, and the men the venison and wild turkey, and each came in for compliments during the dinner as to the delicious quality of the part he or she had sent.

There was never any envy among the guests, for if some of those present had not sent anything, it was recognized that they were not in position to do so, and no excuse or apology was needed to explain why they had not done so. In those times a neighbor was glad to show his good will on such occasions, and it was spontaneous, for all recognized that mutual dependence in many things made life sweeter in the struggles that lay before them. When the notches were fitted smoothly on to the saddles, the ends of the logs sawed off so as to show no projections and giving the corners

an even appearance, a hewed log house with shingle roof of proper slope, was not only a comfortable house for a family to live in, but made a pleasant impression on the artistic eye.

We who were born and lived in log houses, know that they have been the dwelling places of the pioneers of civilization, who, through many struggles and hardships and dangers, have carried the torch of liberty and light through desert and wilderness from the shores of the Atlantic, westward across the Continent to the Golden Shores of the Pacific.

As years passed and the family increased and the head of it became more prosperous, an addition was built on to the log house and a barn was constructed, consisting of a stable for horses and cows, crib for corn and hay loft, all under one roof.

The addition to the dwelling sometimes consisted of a hewed log house built on to an old round log house, the latter being used for a kitchen and dining room, and sometimes the addition was of hewed logs, making the dwelling a double hewed log house. In those times both the round log and hewed log houses, usually had only one window with four panes in it, say ten by twelve inches in the sash on the side near the door, so that the houses were poorly lighted.

Before water power mills were much in use, most houses had puncheon floors, which were made of a given length of tree split open and the inner sides of the halves hewn straight and the under sides chopped and hewn off to make each puncheon of the required thickness. This kind of floor was not satisfactory to families ambitious of having the best to be had and were replaced in a few years by sawed plank floors, for there was good water power on nearly every stream and saw mills put up and sawed enough lumber to meet the demands of the people.

Here, as in many other cases, there were men among the pioneers of sufficient skill and common sense to construct and run a saw mill of the old-fashioned kind, with the saw fixed in a frame three or four feet wide and six or seven feet high that moved up and down with an attachment connecting with the water power wheel that also moved forward



and backward the truck or carriage with small iron wheels on which rested the log to be sawed. This saw in a frame was later superseded by a circular saw that did much more efficient work than the old style one and was fully as simple to handle, and with its introduction there was an increased use of sawed lumber in the homes of the people; but it was always undressed, the planing mill attachment coming later. We have been speaking of the average log houses and the average intelligence, energy and thrift of the people of that region; there were some homes above this average, and there were some that fell below it, and it is unpleasant to dwell on the conditions of those whose natural endowments unfitted them to meet the requirements of their environments as well as their neighbors in the struggle for existence.

## THE FOLLOWERS OF DUDEN

BY WILLIAM G. BEK.

## SEVENTH ARTICLE.

GERT GOEBEL.

Among the many who were attracted to America by Dr. Gottfried Duden's "Report" were David Goebel and his son Gert. They were members of the Giessen Emigration Society\* and landed in Baltimore in the summer of 1834.

The elder Goebel was a splendidly educated man, who had held the chair of mathematics in the Gymnasium of Koburg, Germany. Of him Friedrich Muench said: "Professor Goebel was one of the most cultured and most excellent men that ever set foot upon the soil of the New World." His chief study had been in the fields of mathematics, astronomy, chemistry and geography. All of this fine, thoro academic attainment was of extremely little value to him when he came to wrestle with the pioneer conditions in Missouri. Realizing his inability to adjust himself to such primitive environment as then obtained in the forests along the Missouri, he removed to St. Louis, where he lectured, taught in the public as also in private schools, and finally secured a good position in the Surveyor General's office, which had in charge the survey of the western states. He died on February 5, 1872.

Gert Goebel\*\* was born at Koburg, Germany, April 1, 1816. It was therefore at the age of eighteen that he came to Missouri. In the Gymnasium of his home city he had devoted himself especially to the study of agriculture, mathematics, French and drawing. With his parents he settled on a farm at Newport, near the present site of Dundee, Missouri. While his father was unusually impractical, Gert Goebel adjusted himself amazingly rapidly to his new en-

\*A detailed account of this society, under the guidance of Friedrich Muench and Paul Follenius, will be given in connection with the life of Mr. Muench who was one of the most prominent of the followers of Duden.

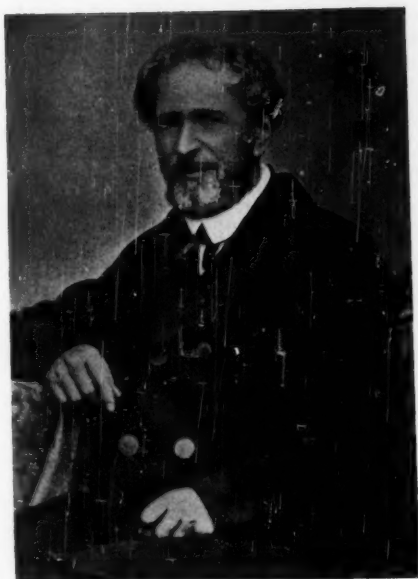
\*\*Cf. G. Koerner's *Das deutsche Element in den Ver. Staaten*, pp. 312-313.

vironment. He learned to wield the ax and use the rifle like his most expert backwoods neighbors, among whom he was held in the highest esteem. During the time when his father served as public surveyor, the youth assisted him. His knowledge of the woods and his fine sense of orientation were of inestimable value in the prosecution of the work. From 1851 to 1855 Gert Goebel held the position of public surveyor. At the outbreak of the rebellion he was very active in the organization of homeguard regiments. In the autumn of 1862 he was elected to the State Legislature. In 1864 as also in 1866 the counties of Franklin, Gasconade and Osage sent him to the state senate. Upon the expiration of his term of office he was for two years chief clerk in the office of registry of lands for Missouri. After that he retired to his country home, where he was chiefly occupied with literary work. In 1842 he married Caroline Becker, who having been born in Niedergemuenden, Germany, in 1824, immigrated with her parents to America in 1834, and settled in St. Charles county some two or three miles northeast of the Femme Osage post office. She died in March, 1864. To this union there were born ten children, three of whom died in infancy. The seven remaining children are: August, Julia, Emilie, Cecilie, Adolph, Carl and Edward.\* Gert Goebel died on his farm on September 8, 1896.

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\*The date concerning Gert Goebel's wife and children were kindly contributed by the old pioneer's son, August Goebel of Union, Mo. Of himself he says that he enlisted in the Missouri Reserve Guard on June 2, 1861. Upon being discharged from this service he served at various times as guide for U. S. troops till the spring of 1865. In that same year he was married. He is the father of four daughters. In 1883 he was elected collector of revenue in Franklin county and served in this capacity for three terms. Of Julia Goebel, he says that she married Major August Spinner in 1864, and became the mother of two sons and one daughter. Emilie Goebel married Benton Osterwald, a blacksmith by trade. They had three children. A son Julius became a civil engineer and died in Old Mexico. Cecilie Goebel married J. F. Lindauer, a farmer, and lives in Washington, Mo. Adolph Goebel entered the mercantile business at Chamois, later went to North Dakota, Colorado, Utah and finally to New York where all trace was lost of him. Edward Goebel became a druggist and had his business in Louisville, Ky. He is now dead. One daughter survives him, she is living in Portland, Oregon. Carl Goebel became a farmer. He passed away some ten years ago. His son Erwin has three sons who at present represent the youngest members of the Goebel family.

Concerning Gert Goebel's friends his son August writes that they in-



PROFESSOR DAVID GOEBEL



The most notable product of Gert Goebel's pen is a book entitled: "Laenger als ein Menschenleben in Missouri."\*\* It is a record of impressions and experiences gained during his long life in Missouri, as also of the most important events in the political life of the state. Gustav Koerner, in the work cited above, calls it "An incomparable depiction of the life of the first German immigrants and of the American backwoodsmen. The greatest truthfulness is here combined with the most interesting depiction. . . . It is a genuine treasure-house for old pioneers and their descendents, and an interesting contribution to the cultural history of the western states, and to the political history of Missouri."

Mr. Goebel's book being indeed replete with interesting, fascinating and now scarcely obtainable facts and accounts, the major portion of it will here follow in translation.\*\*\*

In the first part of the introduction to his work the author speaks of the scarcity of authentic accounts of the many expeditions which must have been made by the Spaniards, and in their turn by the French, during their respective occupation of the Louisiana territory. He calls attention to the fact that the names which these adventurers gave to places, creeks and rivers testify to the fact that their wanderings must have been extensive indeed.

Of the first American pioneers he says: "If these old

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cluded the names of Friedrich Muench, Emil Pretorius, Doctor Weigel, Richard Bartholdt, Ludwig Muench, Dr. Ludwig Ruge, Sr., Franz and Julius Wilhelm, Franz Siegel, Julius Schmidt, a forty-eight, his nearest neighbor, and many others. In fact everybody was his friend and he was everyone's friend.

\*\*Freely translated this title reads: "Longer than a Lifetime in Missouri." The book contains 234 pages. It was published by C. Witter, St. Louis, 1877, and is dedicated to his friend Friedrich Muench. In 1879 Mr. Goebel made an English translation of this book. This translation, however, was never printed. The manuscript came into my possession thru the kindness of the Hon. Richard Bartholdt of St. Louis, after I had translated the major portion of the original for this piece of work. Mr. Goebel translated the very euphonic title of his work into the rather less striking "The Development of Missouri." In handling the theme I have taken the liberty of rearranging the order of the chapters somewhat to give greater continuity, and have left out certain parts that seemed unessential.

\*\*\*The chapters dealing with the immigration of the forty-eighters as also that dealing with the Giessen Immigration Society are not translated, since their substance fits better into a later part of our account of "The Followers of Duden."

adventurers had known how to read and write, perhaps the most interesting and remarkable accounts might have come down to our own time. Of these accomplishments they were ignorant, however. They were indeed able to put a rifle bullet on a given spot, but they were not always successful in putting their signature, consisting of a most imperfect cross, under a written document. All that we know from those times consists of the unmistakable traces which these men have left in the primeval forest, and the oral transmissions which we have from their descendents. I myself have known many an old hunter, whose youthful recollections extended to the close of the last century. The hours which I spent in the company of these people I do by no means reckon among those wasted. A brief account of the life of one of these old hunters may exemplify their mode of living.

"James Roark came, at the beginning of this century, with his wife and a troop of small children from Kentucky, and settled on Berger creek, in the present county of Gasconade. In his former home he had been a zealous hunter, and here in Missouri, where beyond a few miles from his new home everything was a trackless wilderness, he did not give up the hunt. He often told at great length concerning negotiations for the purchase of a couple of fat hogs, which trade was never consummated, because he never had enough money, tho the purchase price was very low. He was embarrassed as to whence he should procure meat for his family. There was no lack of deer, but venison was not considered meat but bread, since it was usually consumed in the dried state. Since he had been in his new environment only a short time, he did not know of the abundance of game. Soon he found some bear tracks and now there was no more lack of meat. During the course of the fall and winter he shot sixteen bears.

"His favorite occupation was the hunting of fur-bearing animals, chiefly the beaver and the otter. Since these animals were not numerous in his neighborhood, he went all alone on horseback, with his traps and his rifle, to the far west, which was at that time entirely unexplored. For



months his family heard nothing of him. Finally he returned as quietly and silently to his homestead as if he had left only that morning. So he carried on for years, and the recital of his journeys and adventures held the interest of his listeners, to which I frequently belonged, for hours. In that part of the great west, which now lies within the boundaries of the states of Kansas and Nebraska, he, no doubt, strolled thru valleys, which no white foot had trodden before him. When he found the tracks of Indians and did not know whether they were friendly or hostile, he dared not fire a shot or build a fire for days for fear of attracting the attention of the natives. To get away from such a dangerous situation, he would hide in the bushes during the daytime and ride during the night, being guided by the north star. The gift of orientation of these old hunters is for those, who have not hunted with them, almost unbelievable. Where the layman sees absolutely nothing, there such hunters read whole stories in the prairies and forests. Later when the settlements were pushed farther out, and he could not stand the riding any more, he carried on the hunt in a different manner. He packed his traps and hunting equipment in a canoe and rode down the Missouri and the Mississippi as far as the mouth of the St. Francois or the White rivers, up these rivers he went and spent the winter in the immeasurable swamps in the southeastern part of Missouri or the northeastern part of Arkansas. There he set his traps, which together with the skinning of the captured animals and the drying of the skins and pelts took up all his time. In the spring when the pelts of the animals began to be thin, he packed up his booty, drifted down the Mississippi and took passage on the first passing steamer going to New Orleans. There he sold his pelts and often came back with a neat sum of money. The money he divided among his children, his wife having died long ago. He kept for himself only so much as was necessary to restore his extremely modest wardrobe, a few dollars for the purchase of powder and lead, and occasionally for a jug of whisky. The latter he was very fond of, but he never became intoxicated. Such hunting expeditions he under-

took regularly till he was seventy years of age, after that he hunted deer in his neighborhood. To his eightieth year he used the rifle. About this time his youngest son, himself a gray-headed man, rented a farm in my neighborhood, and the old man made his home with him. Even there he still followed the hunt, but because his sight was not sufficiently good to use the rifle, he purchased an old, long shotgun, with this he shot his last buck. He died in his eighty-ninth year. In spite of the fact that he had earned much money in his life, he left nothing save his old clothes, a few traps and his old shotgun. As long as he had anything he was willing to share it with others. He never thought of himself but of others. He died a poor man, but a very good man.

"Below the mouth of the Gasconade river there is a large island in the Missouri called L'outré island. An old friend of mine, Dr. Elijah McLean, related that when his father came with his family to Missouri in 1810, only seven families lived west of this island. From there to the Rocky mountains no one knew of any white man who had made a permanent settlement. Only daring hunters ventured to penetrate into the wilderness.

"These first outposts of civilization suffered much from roving Indian bands. Dr. McLean said that as early as 1811 and 1812 many settlers came to the region in which his father had settled, so that they were able to build small forts as a protection against the Indians. The women and children remained within these forts, while the men worked in the fields, which were sometimes several miles from the forts. Many of these lonely workers were killed by the Indians. The Indians were, during the war with England, incited by the English against the settlers. Spies often brought back the news that they had seen officers in red uniforms among the natives. It is amazing how quickly the Indians heard about the defeat of the English at New Orleans. Before the settlers heard of this event, the savages had suddenly disappeared.

"I myself know of only one murder which was committed in our settlement by the Indians. It was a certain Ridenower

(Reidenauer) who was shot. Ridenower had settled on a little creek which empties into the Missouri, not far from the present boundaries of St. Louis and Franklin counties. A small band of Indians had come into the settlement and had stolen some horses. In the pursuit Ridenower was slain.

"In all probability it was William Hancock, who in 1796 was the first to settle in the great bottom opposite the present town of Washington. His youngest son, also called William, was a gray-haired man when I learned to know him in 1834. He related, that for many miles around them there were no human habitations, when his father erected his first hut there, and that his father was extremely surprised and interested when one evening his boys, returning from a stroll to the Missouri, told him that they had heard dogs bark on the other side of the river. This man also related that at the time of settlement his father still had eight dollars in coin, and that for ten years he had no opportunity to spend the last remnant of this small sum.

"Year by year the settlement grew, but only in the Missouri bottom and in the smaller bottoms of the streams that were tributary to the Missouri. The land of the bottoms alone was thought worth cultivating. The hills, even tho they had rich soil to their very summits, it was thought, would be perpetual hunting grounds and immeasurable pasture land.

"Later accounts will show how bitterly these old backwoods men were disappointed in the above assumption. When a neighbor comes so close to a genuine backwoods man that he can hear the former's roosters crow and his dogs bark, he considers it the highest time to move on, and he will sell his possessions if he can possibly do so. My first and earliest neighbors were almost all people of such a breed and such a frame of mind. Many of them rest beneath the sod, many others moved on, and the very few that remain from those early days can not adjust themselves to the present conditions. It seems as if they were awakening from a beautiful dream when they are reminded of the old times. These veterans, so still and reserved under ordinary circumstances,

become animated when they meet some one who can talk with them about the old times. The scant remnant of the old backwoods men does not feel at home any more and cannot find pleasure in the activity of the present generation. I must confess, I feel the same way.

#### THE OLD AMERICANS.

##### THEIR MODE OF LIVING, CUSTOMS AND USAGES.

"The clearing of the land has been described so explicitly by so many writers that it will be unnecessary to bore the kind reader with another account of it, for this reason it will suffice to say something of the kind of agriculture that obtained in the pioneer days in Missouri.

"Actual farming still lay in its swaddling clothes. Indeed, the people had not advanced far beyond the era when the soil was scratched with a pointed piece of iron or even with crooked tree trunk. The old 'bar-shares' were at that time still in general favor. The share of such a plow consisted merely of a three-cornered piece of iron, which was sharpened on its longest side. This share, fastened to a simple wooden frame, sometimes with and again without a straight mold-board, constituted the plow. The old 'bull-tongues' were still considered a superior implement for the first breaking of new land. The share of such a plow did have some similarity with the tongue of an ox, it was long and narrow, it was sharpened on both sides, and the point was somewhat bent forward. Occasionally a 'colter' was used. Such a plow only stirred up the soil but did not turn it. Shovel-plows presently also came into use and were especially fine to destroy the weeds in the corn fields. By and by the turning-plow made its appearance, but was looked upon with suspicion by those who considered the old 'bar-share' the acme of plow manufacture. The first turning-plows were very clumsy affairs, but they were provided with a curved wooden mold-board. A few years later factory-made plows, the so-called peacock plows, made their appearance, and tho they were

heavy and awkward, they were a boon to man as well as beast.

"Harrows were not used at all when we first came. The few acres of oats that were sown in those days were dragged in with heavy thorn bushes, drawn by horses or oxen.

"The plowing of the land was done in a very slovenly manner. The share rarely went deeper than three inches, and at that not all the ground was touched by the plow, for if the entire field was merely covered with clods and loose ground, it was considered a satisfactory job of plowing.

"Corn was the most extensively cultivated crop. By frequently cultivating the corn field till the plants were from six to eight feet high, the superficial plowing of the land was, in a way, made good, and on the new very rich soil very abundant crops were raised.

"The raising of oats and wheat were considered merely side issues of farming, and their cultivation was done in the most slovenly manner. Wheat was usually sown in the corn fields. The sowing was usually done as follows: a man mounted a horse, took a large basket filled with wheat on his lap, and riding thru the rows of corn scattered the grain among the corn stalks. Another man drove a one-horse plow a couple of times between the rows and the seeding was done. In the winter, when the ears of the corn had been gathered, the stalks were cut down close to the ground and allowed to remain on the fields where the young wheat grew up among them. It is manifest that under such conditions only small harvests could be expected. Ten bushels per acre was considered a big wheat crop, while the average yield was much smaller.

"These old farmers were very mediocre agriculturists, but they had but little inducement to improve their methods, even if they had known how. There was scarcely any demand for their produce, and transportation was out of the question in most cases. If they raised enough for their immediate needs it mattered little whether it was produced on five or ten acres. In our forests no one had any idea of world commerce. At one time we considered it extraordinary

when one of our neighbors raised nearly 100 bushels of wheat, and one man remarked that it was no wonder that wheat was so low in price, if the market was glutted in such a manner.

"The threshing of the grain was a disagreeable piece of work. Hardly anyone had a barn where such an operation could be carried out, tho the Germans very soon began building such. Most of the threshing, prior to the coming of the threshing machine, was therefore done in the old fashioned way. In the field a circular threshing floor was smoothed down. Then the grain was hauled to it on wooden sleds, arranged in a certain way upon this circle and then four, six or even eight horses were driven two abreast around in a circle, over the grain, till at least most of the grain was tramped out. Sometimes a man stood in the middle of the circle, and with lines and whip kept the horses in the right place and on the move. More frequently, however, a small boy was put on each saddle horse, and when a householder did not have enough boys of his own, he borrowed the required remainder from the progeny of his neighbors. The separating of the empty straw from the mixture of grain and chaff was a toilsome piece of work and required practice and skill; one not endowed with such skill threw more grain into the straw than upon the threshing-floor.

"During dry weather this method of threshing went on fairly well, but it happened quite frequently that heavy showers of rain fell upon the half threshed wheat, in which case serious losses were unavoidable.

"Very imperfect, hand-driven fanning mills were used to separate the grain from the chaff. The end-product of this process of fanning often represented a gruesome mixture of good and bad wheat, chaff, remnants of straw, and the seed of weeds.

"All stock that was not used for work ran at large in the woods, and was only fed when the snow was deep, or during severe cold weather. Only the horses, when they were used for cultivating the corn, were given a few bundles of oats in addition to their ration of corn. When the cultivation of the corn was over, even the work horses were

driven into the woods, and only when they were to be used again, were they hunted up and driven home. It was not hard to find them, since their runs were known, and the sound of the bell, which one of the horses usually had on, was known. This hunting of the horses was an opportunity much coveted by the half grown youths, who then were allowed to take their father's rifle and occasionally they came back with a deer tied on the back of one of the horses.

"Potatoes, cabbages and beets were raised only in small quantities, just enough for the household. Pole beans were planted in the corn field. Pumpkins grew on newly cleared land and were given no attention, only the watermelons were cultivated.

"The gardens scarcely deserved the name. A small piece of land, situated as close as possible to the house, was plowed up, and without smoothing the surface, onions, a little lettuce, a few ornamental plants and flowers were planted, and that was all. The weeds were not kept out carefully.

"Only a few settlers planted cotton, and then only for their own use.

"The fine wild pastures in the woods made pastures seeded by man superfluous. Forage crops, as for example clover, were not raised at all. At the time of our arrival the wild pastures were still very good, but not nearly as fine as, according to the oldest settlers, they must have been at the beginning of the century. At that time all lowlands are said to have been covered with rushes which remained green the whole winter thru, and these rushes were extremely nutritious for horses and cattle. This plant is still found in wet places, but only in small patches.

"At the time of our coming the live stock still found abundant pasture, even in the comparatively densely settled regions, but, of course, so much the more abundantly beyond the settlements. For this reason many Americans drove their live stock to the 'range', as it was called, which was sometimes thirty miles from home. There the stock received salt from time to time, the farmer being careful to



leave it always at the same place. Sometimes the salt was placed there by an acquaintance who happened to live closer to the range, and who was usually glad to accommodate the owner, or who received a small compensation for this service. More frequently the owner or his oldest sons attended to this matter themselves, if for no other reason than that the ride to the range afforded a fine opportunity to hunt. Frequently they found deer grazing with the cattle, for the game frequented the saltlicks almost as regularly as the domestic animals.

"Sheep had to be kept in the neighborhood of the farms in the early days on account of the wolves, and later on account of the many stray dogs which were almost more harmful to the flocks of sheep than the wolves. For this reason the frontiersmen, who rarely went beyond his immediate homestead without his rifle, waged relentless warfare against all stray canines.

"The breed of hogs which was found on the frontier was admirably adapted to the wilderness. These animals were short and narrow, had very long legs, a high sharp back, a disproportionately large head with a long, thin snout and pointed upright ears. Under the long stiff bristles their body was covered with a very coarse wool. This wool caused the butcher much trouble if at the scalding the temperature of the water was not exactly right. These hogs were wild, shy, and could never be tamed. If they were not regularly fed near the farm, they were frequently not seen for months. Only extreme hunger during cold weather sometimes drove them to the farms. If the woods were full of acorns, they paid no attention to the farms and became altogether wild. When they had become fat in the fall they would neither come when called, nor would they allow themselves to be driven. As soon as they saw a human being the herd darted away in every direction, wildly snorting. When in the winter they were to be butchered, it was necessary to wait for a snowfall to be able to track them. Sometimes a great number of them slept in the same place, which place was habitually frequented by them. It was therefore

a question of finding such a place, a hunt which was entirely pleasing to the young men. It was necessary to start early in the morning, before the hogs had gone far from their sleeping places and had become scattered. The dogs were put on their tracks, and usually it did take long till the terrible squeals of one of the porkers indicated that he had been caught. Now the butchers had to come quickly, for the other hogs came dashing, mad and foaming, upon the dogs, to liberate their captured comrade. Often they were successful in this if the dogs were not unusually brave. During this tussle the riflemen shot several hogs thru the head, but only a few shots sufficed to scatter the remaining herd again. A little time was given them to re-assemble, when the chase began anew. If, however, after the third or fourth repetition of this act the desired number of hogs had not been killed further pursuit was futile, since they had scattered to the four winds and could not be found again.

"Such hogs were commonly called hazel-splitters. The origin of this name is the following. Many of the bottoms of the countless small creeks were covered with extensive thickets of hazelbrush, which in places were almost impenetrable. During the season when the ripe hazel nuts fall out of their husks, these thickets were the favorite feeding places for the hogs. While the larger breeds of hogs would have had great difficulty in penetrating such a thicket, these hogs, with their thin bodies and pointed snouts, slipped thru everywhere with ease, and because of this proclivity received the name hazel-splitters.

"In the same manner that the pioneer farmer neglected the breeding of his hogs, he also neglected the breeding of his cattle, horses and sheep.

#### THE DOMESTIC LIFE OF THE OLD AMERICANS.

"The domestic life of the old American was almost as simple as farming and stock raising. Those who had some knowledge of and felt some need for household comforts, and who could afford it, lived in good substantial log houses of

hewn timbers. Adjacent to such a house they had one or more rooms which usually served as bedchambers. Close to the dwelling house proper, which usually contained only one room, and which was rarely more than a story and a half high, there was, as a rule, another smaller house, which served as kitchen, where was also the loom, an instrument which was never lacking in a well regulated household. Many also had built two log houses of the same height beside each other and had covered the intervening space of 12 to 15 feet with a roof. A wide projecting roof extended the full length of the house and occasionally even along two sides of the house. The crude verandas were justly considered indispensable for the comfort of the householders, who, during the hot weather, occupied them the whole day long.

"After these, the best farm houses of that time, came others, which step by step became poorer, down to those wretched huts which hardly deserve to be called human dwelling places. Obviously the new settlers in the forest, whose first duty it was to clear the ground to provide food for their families, could not think of erecting spacious dwellings. They were usually impecunious, but they could at least, with little trouble and small expense, make the walls tight, so that their dependents should find some comfort during the inclement weather. But among these newcomers there were so many who belong to the so-called "poor white trash," who were too indolent to exert themselves sufficiently to protect their wives and children against the blasts of the storm. There were people among them, who would rather move from one part of the room to the other to avoid the dripping rain, rather than exert themselves a little to repair the roof, who would rather wrap themselves in their blankets than chink their walls, and who never thought of providing fuel until the last chip had burned in the fireplace.

"A little anecdote will illustrate the life philosophy of this class of Americans better than a long description. A traveler who was surprised by a rainstorm, came upon a wretched hut which he regarded as uninhabited, because it

was half fallen to pieces and had only a part of the roof left. However, as he rode by, a voice called from the old shack: 'Get off your horse and come into the house, out of the rain.' Surprised at this invitation he stopped his horse, and curiosity impelled him to enter this thing, which the man had just called a house. There a man, a woman and several children crouched on the floor under the remaining fragment of the roof. With genuine backwoodsman's politeness he was greeted and invited to sit down. He took his seat on the floor beside the host. After a while the stranger could not refrain from asking: 'My good friend, why don't you put a roof on your house?' 'Because it is raining now,' was the laconic reply. The stranger remarked: 'But it does not always rain.' 'If it does not rain, I need no roof.' With this statement the contented man put an end to this theme. This man might have been called a modern Diogenes if his striking answer had been dictated by an excessive contentment, but his arguments were only the expression of boundless indolence.

"In most of the American households there obtained great cleanliness and exceptions to this rule were very rare. Even in most modest and poor dwellings there was rarely reason for complaint on account of untidiness and lack of order.

"Of people whose immediate ancestors had spent their entire life in hardship, privation and danger to life and limb, one could not reasonably expect a high development of the culinary art. The kitchen of the old Americans was indeed very simple, and the preparation of the food was not always according to the taste of pampered Europeans, but as soon as one had adjusted himself somewhat to their mode of living, their dishes were quite palatable. The operations of cooking, baking and frying were all done on the fireplace, for at that time they did not know what a range or oven was, and the kitchen utensils consisted only of a few cast iron pots, skillets and pans, which were used in a great variety of ways. The German housewife, who knew only her own, in part rather complicated method of cooking, was therefore very much

surprised when her American neighbor, in such unbelievably short time, could provide the table with a variety of well prepared foods.

"The influence which the American and the German housewives had upon one another was for both parties most advantageous, and led to mutual advancement in the culinary art. It was a common observation that frequently the best educated German women made the best farmer's wives, were most unpretentious and modest, and never demanded of their husbands comforts and conveniences to which they certainly had been accustomed, but which the financial situation of their husbands precluded. These women, who never lost from view the preservation of their womanly dignity, considered it no disgrace to do their own washing and scrubbing, to milk the cows, in other words, to do work, the like of which they had previously never been obliged to do. They never lost the respect in which they were held by others thereby. On the contrary, sensible people who had known their former circumstances and who were familiar with their American situation, esteemed them only so much the higher.

"Since I have no intention of writing a backwoodsman's cook-book, I will mention only a few things that struck me as remarkable during my first years of residence here. Soup, in the generally accepted sense, was not served at all. What the old-timers called soup was usually only a rather thick mixture of meat broth and bread. It was not served at the beginning of the meal, but beside each plate a bowl of this food was placed, and just as one now and then takes a sip of wine at a German meal, so one took a couple of spoonfuls of this so-called soup now and then during the meal.

"Lettuce was usually put on the table without any dressing, but with young, uncooked onions, and each person prepared his lettuce with a little bacon grease and salt to suit his own taste.

"Coffee was the regular drink for breakfast. In many households it was also customary to serve coffee at the noon-

day and evening meals. This drink was sometimes so strong that it produced dizziness.

"The first settlers were, of course, frequently without coffee. They therefore prepared substitute drinks from various roots and herbs which they found in the forest. This old custom still obtains in many families to this day. The sassafras tea was the most common substitute and many Americans still use it every spring as a blood purifier. Besides this they used spice and tidney tea.

"Since I am no botanist and so do not know the scientific names, therefore I can only use those terms which are customary here. The spice bush is found only on very rich ground. The young branches have a rather agreeable odor and taste. The thin brittle ends of the young twigs are broken in small pieces and are then scalded like ordinary tea. Tidney is a low plant, about eighteen inches in height. It has small lanceolated leaves and a small bluish-white flower. The leaves are used for the preparation of tea. This plant has a peculiarity which I have observed in no other plant. In the winter, usually a short time before a snow, beautiful ice-colored blisters develop around the thin stem of the plant.

"The work in the simple kitchen, the washing of the clothing and the cleaning of the few rooms left the women a lot of time, which they by no means spent in idleness. They carded the wool and cotton almost all with the small well-known hand-carder, for machines, driven by horse or water power, were at that time scarce and often far away. Flax was spun on the small, ordinary spinning wheel, but for wool and cotton they used very large spinning wheels, of which the large wheel had a diameter of from four to five feet. This wheel was set in motion by a short stick, especially made for this purpose. The young girls often displayed great grace as they stepped back and forth, making lively movements with their arms in the operation of such a wheel. The women also knew the art of dyeing very well. To produce a blue color they made use of indigo; for black, brown- or gray they used the bark of various forest trees.

"Most of the women and grown girls knew how to weave, and tho their weaving was not as handsome as the product of the machine loom, it was nevertheless very strong.

"The clothes of big and little of both sexes were likewise made in the home. Only rarely did a tailor get to make a coat for a man. There were no slaves of fashion, so the style prevalent at the close of the past century, tho it was not very attractive, prevailed far into the present century.

"The men who were much engaged in hunting wore short, so-called hunting shirts. They extended half way down the thigh, and were buttoned in front like a coat. They had a collar which just covered the shoulders. The outer seams were fringed. The material for these shirts was either jeans, which was colored brown like the dry leaves of the forest, or they were of buckskin leather.

"Also leggins and mocassins were formerly commonly worn by hunters. Leggins were buckskin breeches which were worn over the ordinary breeches and reached from the foot far up the thigh. Around the foot and below the knee they were fastened with buckskin straps. Moccasins were buckskin leather shoes, which because of their lightness and their pliancy were an excellent footwear for the hunter. With such moccasins one can acquire an almost inaudible manner of walking. I have often been forced to smile when I saw how a neighbor, wholly unconscious of the approach of any one, suddenly was startled when a hand was laid on his shoulder and a 'good morning' sounded in his ear.

"This half Indian costume, which gave a handsome appearance to well-built men, has now almost entirely disappeared, but formerly it was customary among hunters.

"On rainy days, and sometimes in the evenings, the father of the family and the oldest sons made the shoes for the entire household. The shoes for men, women and children were all made according to the same pattern. They were quite strong but by no means noted for their elegance.

"In the summer the evenings were spent on the great veranda, and in the winter around the fireplace. Frequently



some of the young men of the neighborhood came at such times, especially if marriageable daughters were in the house. The matron of the house then usually sat in a definite corner beside the fireplace, smoking tobacco, but rarely mingling in the conversation. The father sat beside her, and if he happened to be in a talkative mood, would for hours relate interesting episodes of his earlier life, of the life of his friends and neighbors, and many of these stories indeed deserved that they be chronicled for posterity.

### HISTORICAL NOTES AND COMMENTS.

Are there pride and profit to a state and its citizens in possessing high rank in intangible assets? Does a state profit from first rank in education as it profits from first rank in agriculture or manufacturing? Are good library facilities profitable assets? Is widespread knowledge of state and local history invested capital bearing interest? The farsighted leaders of Missouri thought, enterprise and business answer, "Yes." Why?

These men know from wisdom and conviction that the greatest assets are the intangible assets. Faith and character and knowledge are hardly material objects, but these form the basis of credit. Without credit modern finance would fall. These men know that the spirit of a people is more important than their gold and possessions. These men know that churches and schools, libraries and historical societies, cultivate faith and courage, disseminate knowledge, instill industry, and foster pride in the annals of state and nation. Enlightened, industrious, public spirited citizens are a nation's real assets. To obtain these, education and pride in a people's past are necessary.

One of Missouri's greatest undeveloped assets is her history. If five per cent of our citizens would co-operate to intensively exploit this asset, the returns would be out of all proportion to any other equal money investment. Do we want good state and local government? Then diffuse information about our two centuries of history and our hundred years of statehood. Do we want to retain on our soil the present and future generations born and reared here? Then cultivate and nurture knowledge of our forefathers, foster pride in our ancestors, and develop the spirit of loyalty and love for our state and our community. Do we wish to attract new settlers and increase our population? Then, know first the vital truths, not traditions, of Missouri's greatness so as to be able to confidently and intelligently present your case to strangers.

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*The Missouri Historical Review* believes in the cultural, educational and practical value to Missouri and Missourians of education in State history and development in State pride. Missouri has little need, and less profit, to ignore historic facts. Truth and knowledge alone are necessary for her progress. Missourians today are of native American stock. This is the most fertile soil for planting the seeds of state history, state pride, and state progress. On the past, build the future. The past is capital inexhaustible. The present furnishes the opportunity to invest this capital. The future is the interest bearing time, the harvest time. Righteousness, knowledge, poised pride in your state and people—these mean a citizenry filled with faith, courage, wisdom and patriotism.

Every reader of this magazine is urged to consider these truths. If endorsed, co-operate. Select some person, explain the work of this Society and the character of this *Review*, and obtain his application for membership. To advance Missouri to first rank is the purpose of every loyal Missourian.

## COMMENTS.

*The Missouri Historical Review* is one of the "newsiest" publications that come to my desk and I enjoy every issue of it.—WALTER J. GRESHAM, Editor and Publisher, *The Lexington News*, Lexington, Mo., August 17, 1921.

If you will send me a few blanks, I will try and get you some more subscribers to *The Missouri Historical Review*. It should be in the hands of every Missourian.—GEO. A. MAHAN, Lawyer, Hannibal, Mo., November 21, 1921.

It affords me pleasure to nominate the gentlemen below named. Please find my check to your order for their first year's dues.—E. G. MERRIAM, Ass't Gen. Solicitor, Missouri Pacific Railroad, St. Louis, Mo., November 22, 1921.

We are very much pleased with the magazines.—MRS. CLIFFORD HUDSON, Neosho, Mo., October, 1921.

I enclose check for sum due. Enjoy getting *The Missouri Historical Review* very much.—J. M. CARNAHAN, New York City, N. Y., October 23, 1921.

Please find enclosed a year's subscription to *The Review* beginning with the October number. Our Society has taken the *Review* during the past year and has found it very interesting and

helpful in our meetings. Something from it has been used in every program. We consider it our chief textbook. Our subscription expired with the July number and we do not wish to miss the October one. So please mail it as soon as it is published.—Mrs. E. D. EBRIGHT, President Chartered Missouri Society, Wichita, Kans., October 2, 1921.

The magazines which you sent me were splendidly edited. Mr. Walter B. Stevens' "The Missouri Tavern" article especially pleased me. If more of his articles are published, I should like to read them.—HARRY B. EPSTEIN, St. Louis, Mo., September 17, 1921.

I want to say a word of appreciation of *The Missouri Historical Review*. We all read it and were especially interested in the Railroad Bond articles as that is a subject that has interested every citizen of Macon County, who owns property, for a great many years. We are looking forward to the October issue.—Mrs. J. F. RICHARDS, P. E. O. Chapter, Bevier, Mo., October 7, 1921.

I have greatly enjoyed reading *The Missouri Historical Review*, and I consider each number a valuable addition to my library.—LOYD COLLINS, Clinton, Mo., November 8, 1921.

In comparatively recent years such want of knowledge as is above complained of has been well supplied through the agency of a considerable number of State and other historical magazines which have delved into ancient records, family letters, personal diaries, tavern blotters, etc., and afforded to the reading public information that otherwise would have never come to the light. A most notable publication of this character is *The Missouri Historical Review* for January of the present year, a centennial number commemorative of the hundredth anniversary of the Admission of Missouri as a State of the American Union, and compiled by Mr. Floyd C. Shoemaker, secretary of the State Historical Society of Missouri.—*Americana*, October, 1921, Vol. 15, No. 4, pp. 354f.

I wish to say that the *Historical Review* is growing in value and interest with each issue and should be a welcome visitor in every home of this and other states.—Mrs. LURA B. TANDY, Columbia, Mo., September 27, 1921.

I am enjoying very much the numbers of *The Missouri Historical Review*.—(Miss) VILLA McCUNE, Vandalia, Mo., November 22, 1921.

I have just returned to Albany, Oregon, from an extended business trip of two months. Find herein check for my annual dues and do not forget *The Missouri Historical Review*, which publication I much appreciate as a Missourian born in old Randolph

County.—GEORGE W. WRIGHT, Attorney at Law, Albany, Oregon, December 2, 1921.

During my year as a member of this Society I have been greatly interested in the work that you are doing for the benefit of the people of this State. Have greatly enjoyed affiliation with this institution and have found much of interest and value in its publications. The people of Missouri can hail with patriotic pride the achievements of our ancestors who have made possible the position that our State holds today. I consider *The Missouri Historical Review* a valuable publication and do not want to miss a single issue of it, for it contains much relating to the annals of our Great State.—LOYD COLLINS, Teacher, Clinton, Mo., November 8, 1921.

I congratulate the State Historical Society for its large and enthusiastic membership and its splendid publication. As one who grew up in grand old Missouri, I am proud that the society is taking first rank among those of sister states.—J. P. RENFREW, Journalist and Postmaster, Alva, Okla., October 18, 1921.

Am going to get as many subscribers as I can for *The Missouri Historical Review* and I always ask them if they want back numbers.—MRS. JOSEPH TOLSON, Fayette, Mo., October 21, 1921.

*The Missouri Historical Review* publication still looks good to me and the news therein is fresh and fine.—JOHN A. OLIPHANT, Lawyer, Tulsa, Okla., December 20, 1921.

I am enclosing herewith the form which was attached to your letter. I am glad to observe that you are making a campaign for members, for if everyone could appreciate the real enjoyment there is in reading the *Review* you would be snowed under with applications for membership.—JOHN J. NANGLE, Attorney at Law, St. Louis, Mo., September 10, 1921.

I have the current number of *The Missouri Historical Review*. I regard it a most useful publication and a distinct credit to the Society.—VIRGIL M. HARRIS, Trust Officer, The National Bank of Commerce, St. Louis, Mo., September 12, 1921.

I take pleasure in enclosing annual dues for year ending July 31, 1922. In this connection I wish to express my very great appreciation of your work in connection with the State Historical Society of Missouri. We lead. Others must be content to follow.—W. L. NELSON, Associate Editor, *Farmer and Stockman*, Columbia, Mo., September 2, 1921.

## THE STATE HISTORICAL SOCIETY SECOND LARGEST IN MEMBERSHIP.

On January 1, 1922, the Society's active pay membership totaled 1,589, exclusive of exchange and editorial members. This is a net gain of 579 members or 57% during the last twelve months. So far as our statistics show, The State Historical Society of Missouri ranks second in the United States in active membership compared with all state historical societies. For this rank and honor credit is due those public-spirited Missourians, both men and women, who have co-operated in enlarging the field of service of this institution. A continuation of this support will eventually result in Missouri taking first rank. Why not?

The true enlightened Missourian desires to see his state advance. He hopes to see that day when the children in our schools are instructed in the annals of their forefathers. He loves Missouri and her history and realizes that only thru a central historical agency can that history be disseminated. May the year 1922 equal in historical fruits the centennial year 1921.

## A REAL MISSOURIAN.

This letter breathes a spirit of state pride and loyalty that is an inspiration to all lovers of Missouri.

Am sorry not to be able to send the name of a friend who would be interested in Missouri, for all my old friends there have passed out or moved somewhere else and I have been too ailing for years to keep up communication. So would not know how to address any of them. I trust you will understand my position.

Enclosed please find one dollar. I wish it could be more—perhaps you could find some one. I wish great success may attend your efforts and that dear old Missouri may come to be the first State in the Union. Pennsylvania is my native State but I spent the greater and best part of my life in Missouri.

With best wishes for the coming holidays.

Sincerely, JESSIE E. FOSTER, Fruitvale, Cal.

NANCY COONSMAN HAHN TO CREATE MISSOURI'S WAR  
MEMORIAL SHAFT.

Mrs. Nancy Coonsman Hahn, 6171 Delmar boulevard, yesterday was selected by a jury to design and complete a shaft to be erected in France in commemoration of Missouri's participation in the late war.

Mrs. Hahn is to receive \$7,000 at once. When the contract for the commission is signed she will be requested to furnish a guaranty bond of \$10,000 for completion of the work, following which she will be paid \$3,000 as a retainer. The remainder of the award will be paid when the memorial is in position in France. All expenses of material and transportation are to be borne by Mrs. Hahn as the winning sculptor.

The jury, composed of Lorado Taft, widely known sculptor; Irving K. Pond, architect of Chicago, and Ralph Elmer Clarkson, painter, also of Chicago, selected Mrs. Hahn from among seven contestants.

The Legislature on May 5, 1919, appropriated \$25,000 to provide and have erected in France a statue or shaft typifying the part played by Missouri in the war. The contest was restricted to residents of Missouri, who were to submit models. The names of sculptors submitting entries were unknown to the judges.

Mrs. Hahn's model is that of a shaft surmounted by a figure of victory. The model is in a scale of two inches to the foot. The actual memorial will stand about eighteen feet high. The shaft, according to Mrs. Hahn's plans, will be of gray granite with a female figure typifying victory poised at the top.

In the right hand, held high above the head, there is a wreath of laurel and in the left a palm, symbol of victory, is held. The figure, in bronze, is placed facing the rising sun, its drapery flowing in the breeze.

The shaft will be mounted on a base of concrete about thirty feet square. On the face of the shaft, beneath the



figure, is the coat of arms of Missouri, and below this is the following legend:

"In grateful memory to the sons of Missouri who helped bring victory to the allies and peace to humanity in the Great War."

The second prize of \$300 was awarded by the jury to Frederick C. Hibbard, formerly of Missouri, but now living in Chicago. His model shows a male figure in bronze seated before a broad background of red granite. The figure, nude, holds in its hand an unsheathed sword.

The state, by the terms of the contest, reserved the right to use any models which might be awarded prizes for statues or shafts to be erected elsewhere than in France.

Other models were submitted by Robert P. Bringhurst, Victor S. Holm, Adele E. Schulenburg and Erhardt Siebert of St. Louis, and by Robert Merrell Gage of Kansas City. (*St. Louis Star*, November 13, 1921.)

#### FINANCE AND HISTORY.

The National Bank of Commerce of St. Louis has the distinction of being the first financial institution in Missouri, every officer of which is a member of the State Historical Society. For years the president, Mr. John G. Lonsdale, the cashier, Mr. R. F. McNally, and the trust officer, Mr. Virgil M. Harris, have been members of this Society and readers of the *Review*. From time to time each has co-operated in extending the field of service of this institution. The extent of this co-operation is best indicated by the recent action of Mr. Harris, the trust officer. As a 1921 Christmas remembrance, Mr. Harris gave a year's membership in this Society, including the issues of *The Missouri Historical Review*, to 22 of his friends and associates. Such co-operation and appreciation is the greatest source of satisfaction to those truly interested in the annals of our people.



MONUMENT TO BE ERECTED IN FRANCE BY THE STATE OF  
MISSOURI IN MEMORY OF THE SONS OF THE STATE.  
NANCY COONSMAN HAHN, ST. LOUIS, SCULPTOR.



## MISSOURI'S FIRST THANKSGIVING PROCLAMATION.

The following letter is well worth reproducing. The *Review* welcomes such communications. The first Thanksgiving proclamation issued in Missouri, so far as the Society has been able to determine, was by Governor Reynolds, dated October 16, 1843.

May I call your attention to an error which occurs in Stevens' *Centennial History* and also, I believe, in various other Missouri histories? The statement is made that to Governor Stewart belongs the honor of issuing the first Thanksgiving proclamation in Missouri. This is incorrect. Governor John C. Edwards appointed Thursday, December 3, 1846, as a day of general prayer and thanksgiving throughout the state and it was observed as such. My authority for this is the issue of the *St. Joseph Gazette* for November (the last week), 1846.

Another error, a trifling one (if any error in historical data can be called trifling), is to be found in Mr. C. L. Rutt's *History of Buchanan County and St. Joseph*. Mr. Rutt asserts that the first telegraph line built to St. Joseph was completed March 3, 1853. (Page 200). The files of the *Gazette* show that the first message was received here December 17, 1851, a difference of more than two years.—LOUISE PLATT HANCOCK, St. Joseph, Missouri, November 9, 1921.

## OBITUARY.

JAMES ENGLISH COWAN died at the home of his daughter, Mrs. O. G. Selden, in St. Louis, on the morning of December 2nd, 1921, in his eighty-eighth year. He was a son of the Rev. John Fleming Cowan, a pioneer Presbyterian Minister of Missouri, who held charges at Caledonia, Auxvasse, and, at the beginning of the Civil War at Carondelet. John Fleming Cowan was born May 13, 1801, died September 29, 1862. He married Mary English, November 30, 1830. Two of his sons became Presbyterian Ministers. The elder, John F. Cowan, was in 1888 elected to the Chair of Modern Languages in Westminster College, Fulton, Missouri; and his youngest son, the Rev. Edward Payson Cowan, was for many years Corresponding Secretary of the Board of Missions for Freedmen of the Presbyterian Church in the United States of America.

The Cowans were prominent pioneer members of the famous Upper Octorara Presbyterian Congregation in Chester County, Pennsylvania, where the Rev. John Fleming Cowan was born and reared.

Their emigrant ancestor was Hugh Cowan who applied for land in Salisbury Township, Chester County, Pa., in 1734. This Hugh Cowan married Mary Scott and dying in 1781, left a large family. His son Robert married Margaret Hope. He died in 1774, leaving seven children. Adam, son of Robert, born about 1760, served in the War of the American Revolution as Lieutenant in Capt. Gibbs Company, 8th Battalion, during the year 1777; in 1778 he was an Ensign in the same Company. He married Elizabeth Withrow. Died in 1802 and left three sons of whom John Fleming Cowan was the father of James English Cowan, the subject of this sketch.

James English Cowan was born at Apple Creek, Cape Girardeau County, Missouri, October 13th, 1834. In 1849, he removed to St. Louis and became a clerk in a book store, with which business he continued his connection until 1858. When the Civil War came on, he enlisted at the call of Gov. Gamble, serving under Col. Stafford as his Adjutant with the forces opposing General Price on the Southern Border of the State. Receiving his discharge in 1864, he again connected himself with the firm of Keith & Woods, Booksellers, with whom he continued until 1871. In that year he became agent for the Massachusetts Mutual Life Insurance Co., of Springfield, which agency he held until 1874. In 1872 he entered the Fire Insurance business in which he continued until his death. For many years he occupied an office at No. 222 Pine street with C. L. Thompson. Later he was joined in business by his son, J. Edward Cowan. For seventeen years he was the Treasurer of the old St. Louis Board of Fire Underwriters. In 1858, he married Henrietta S. Quinette, eldest daughter of Francis A. Quinette. She died several years after celebrating their Golden Wedding. Of their children, three survive, J. Edward Cowan, J. Mortland Cowan and Eleanore C. (Mrs. O. G.) Selden. His church connections date back to the Carondelet Presbyterian Church of which his father was pastor. He later was an elder in the Westminster Presbyterian Church, and in the Lafayette Park Presbyterian Church. At the time of his death, he was a deacon in the Compton Hill Congregational Church for which he wrote the constitution.

He was noted for his life-long work among boys and young men. For many years he devoted his Sunday afternoons to conducting religious services at the St. Louis House of Refuge, of which institution he was one of the Board of Managers.

He was remarkable for the extent of his acquaintance and for being a ready speaker possessed of a keen sense of kindly humor.

Among his many friends he was known as a poet of considerable ability.

WM. CLARK BRECKENRIDGE, St. Louis, Mo.

## MISSOURI WOMAN RECEIVES HIGH APPOINTMENT.

On January 5, 1922, Mrs. A. H. Brueggeman of St. Louis was appointed by President Harding chairman of the United States Employees Compensation Commission. This is one of the highest positions in the Federal service held by a woman.

## DATA COMMITTEE FOR MISSOURI CONSTITUTIONAL CONVENTION.

On January 3, 1922, Governor Hyde appointed the following persons as a committee to gather data for the forthcoming Missouri constitutional convention: Dr. Isidor Loeb, University of Missouri, Columbia; former Judge R. L. Good, Washington University, St. Louis; Miss Laura Runyon, Central Missouri State Teachers College, Warrensburg; Assistant Attorney-General Merrill Otis, Jefferson City; Hon. Samuel O'Fallon, Oregon; Dr. W. H. Black, Missouri Valley College, Marshall.

## MISSOURI'S CENTENNIAL CELEBRATION IN KANSAS CITY.

BY LUCILE TAPPAN MORELAND.

It was most appropriate for Kansas City to celebrate the one hundredth anniversary of Missouri's birth on Missouri Day.

The Kansas City Centennial Association comprising sixty-five patriotic societies chose the originator of the celebration idea for their chairman, Mrs. C. C. Allen of the United States Daughters of 1812, whose plan for a parade, pageant and ball depicting the history of Missouri was admirably carried out.

The close of the playing of the "Star-Spangled Banner" was the signal for the parade to start. The disabled overseas veterans who led were greeted with cheers, while hearty applause and complementary remarks were given the various divisions by the throngs who lined the streets along the route. The Camp Fire Girls and Boy Scouts in their characteristic dress were interspersed among the hundreds of school children.

Indians from Haskell Institute in war paint and tribal costume, and pioneers in stage coaches recalled to the minds of grey-haired spectators the early days of Westport Landing. "Diamond Dick," the sole surviving member of Buffalo Bill's scouts, vied for honors with Henry Avis, the last living rider of the pony express that operated over the Santa Fe Trail from Westport Landing to Albuquerque.

A "one hoss shay," a prairie schooner, a tallyho, a bicycle of the 80's, elicited from the kiddies the question "What is that?"

Salvation Army lassies and Gold Star mothers were accorded reverent silence from the ex-service men who stood with uncovered heads while they passed by.

The gaily decorated cars with flags and insignia banners flying filled with members of the Colonial Dames of the XVII Century, Colonial Dames, Sons and Daughters of the American Revolution, Daughters of 1812 and other patriotic organizations featured the history of Missouri when a territory. The story of her admittance into the Union was told to the throngs of spectators in Penn Valley Park (the terminus of the parade), when in the presence of her twenty-three sister states, the crown of statehood was placed upon the brow of Miss Ouri by President Monroe.

"Backward, turn backward, O Time, in your flight,  
Make me a child again just for tonight!"

That couplet must have flashed through the minds of many persons in Convention Hall the night of October 3rd, 1921, as they witnessed the dances of the century just past.

Two small pages in the costume of Uncle Sam were the official announcers of each dance as they carried the placards down and back the length of the dancing floor.

The stately Minuet de la Cour under the chaperonage of the Colonial Dames danced by the belles and beaux in flowered dresses and powdered wigs of 1800 was followed by "La Pavanne" of 1805.

The war spirit of 1812 was characteristically portrayed in the "Lanciers de Millitaire," danced by members of the society "The Daughters of 1812." Following this was the



"Varsouvienne" of the year of 1820 danced under the chap-eronage of the Daughters of the American Revolution.

The period of 1830 was designated by the rendering of "Believe Me If All Those Endearing Young Charms," by Mr. Clyde Matson.

The Rye Waltz of 1840 by the laddies and their lassies—in pantalettes—was followed by the singing of the "Last Rose of Summer" by Mrs. J. A. Railey, dressed to represent Jenny Lind, after which came the pipers, drummers and dancers whose Scottish dress, "Reels" and "Flings" were a fitting prelude to Mr. Ottley Cranston's perfect rendition of "Annie Laurie."

The Virginia Reel—and hoop skirts—came next, followed closely by "Balance all—swing yer pardners." And the Daughters (and Sons) of Old Westport were off. With every movement of the quadrille was the silent accompaniment of many feet, and laughter and applause as the dances were "called off."

A medley of old-fashioned dances by the pioneer families of Kansas City led up to the last number—the fox trot of the cabaret.

After the singing of "The Birthday" by Mrs. Allen Taylor, beautiful Miss Ouri, who had been crowned earlier in the day, with her attendants, reviewed the dancers during the Grand March which was lead by President and Mrs. Monroe.

#### BUCHANAN COUNTY HISTORICAL SOCIETY.

Through the courtesy of Colonel Joseph A. Corby and Mr. William F. Dyer, president and secretary respectively of the Buchanan County Historical Society, data has recently been received showing the progress made by that institution. The Buchanan County Historical Society is one of the most forward-looking local institutions of the state. Its membership includes 161 of the leading citizens of St. Joseph. These public spirited men and women have shown a spirit in keeping with the high annals of their city. If this interest is main-

tained, as the present plans seem to indicate, it is not too much to expect a worthwhile going historical society in St. Joseph in the near future.

#### JAMESPORT (MO.) FORTNIGHTLY CLUB.

An example of the new spirit of co-operative work is shown by the recent action of the Jamesport Fortnightly Club. Jamesport is a city of 611 in Daviess county, Missouri. Ten of the members of the Fortnightly Club have recently affiliated with The State Historical Society. An entire year will be devoted to the study of Missouri history.

#### THE JUNIOR CLASS OF THE MONTICELLO (MO.) HIGH SCHOOL.

A new spirit of state pride is in the making. For years the only members of the State Historical Society were individuals. Many institutions and organizations took little or no interest in the annals of our people. Presently, colleges and women's clubs requested affiliation with this Society and began heartily to stimulate interest among others, and the movement spread until the Society's roll today carries many such organizations and institutions.

On November 3, 1921, a new organization of a different character applied for membership and requested the Missouri Historical Review. The application and the request were unsolicited by this Society and it does not know how the new organization learned of this work. It was because of this that the application of the Junior Class of the Monticello (Mo.) High School was so heartily received. Someone in Monticello has been talking state pride and state history to the teachers and the school children and both fell on fertile soil. The Junior Class of the Monticello High School deserves signal mention and commendation in being the first in the state to request in a body affiliation with the State Historical Society and receipt of the Missouri Historical Review.

## FIRST PROTESTANT SUNDAY SCHOOL WEST OF THE MISSISSIPPI.

I am under obligation to my friend, Charles E. Rendlen, for enclosing my name as a member of the State Historical Society of Missouri, as I am very much interested in Missouri History.

I am a relative of the first Senator from Missouri, David Barton, and my great-great-grandmother, Sarah Barton Murphy, organized probably the first Protestant Sunday School west of the Mississippi River at Farmington, Missouri, in about the year 1800, my grandfather coming to Missouri with her at the age of ten years. My father was born in St. Francois County in the year 1824 and was a member of the Constitutional Convention of 1865 that abolished slavery in Missouri, and I have in my possession a diary kept by him from about 1838 up to about 1870. He was a member of the State Senate from 1866 to 1870, from the 22nd Senatorial District.

Therefore, you can see that I am a Missourian from way back and am very much interested in all that pertains to our magnificent state. Enclosed find check for membership. Thanking you for your courtesy in the matter, I am,

Yours very truly,

H. D. EVANS, Jefferson City, Mo., Sept. 6, 1921.

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PERSONALS.

Judge Theodore Brace: Born in Maryland, June 10, 1835; died at Paris, Missouri, May 26, 1921. He came west as a young man and at the outbreak of the Civil War raised a company of men for the southern cause, being elected its captain. During the war he was promoted to colonel. At the close of the war he returned to his home at Paris and in 1874 was elected to the State senate. In 1878 he became probate judge of Monroe county; in 1880 judge of the sixteenth judicial circuit; in 1886 judge of the supreme court of Missouri. To this office he was re-elected in 1896, serving then as chief justice. He was a past grand master of the grand lodge of Missouri A. F. & A. M.

Hon. James Cowgill: Born April 2, 1848, in Henry county, Indiana; died at Kansas City, Missouri, January 20, 1922. He served in the Civil War with company K of the

Ninth Indiana Infantry, and came to Caldwell county, Missouri, shortly after the close of the war. For many years he engaged in farming and stock raising, and was still interested in that business at the time of his death. In 1882 he was elected presiding judge of the county court of Caldwell county. In 1890 he was elected a State representative from that county. His election as railroad and warehouse commissioner in 1892 was followed by his removal to Kansas City, where he has since resided. He served as city treasurer of Kansas City in 1900-04 and as State Treasurer in 1909-12. He had been mayor of Kansas City since 1918.

Judge John D. Lawson: Born at Hamilton, Canada, March 29, 1852; died at Chicago, Illinois, October 28, 1921. He received the degree of LL. B. from Osgoode Hall of the University of Toronto in 1875. In 1876 he came to St. Louis, where he practiced law until 1885. From 1876 until 1881 he was also editor of the Central Law Journal in St. Louis. He was judge of the Civil Court from 1886 until 1891. In the latter year he came to the University of Missouri as a professor of contracts and international law. In 1903 he became dean of the school of law, serving in that capacity until 1912, at which time, because of failing health, he resigned. However, he continued to teach for several years, finally being forced to give that up also.

Hon. George W. Martin: Born near Sardis, Ohio, December 30, 1838; died at Brookfield, Missouri, December 18, 1921. As a young man he taught school in Missouri and Ohio, but at the outbreak of the Civil War enlisted in company B, 25th Ohio Volunteer Infantry. During his service he received several promotions, and was mustered out a first lieutenant. In 1865 he returned to Missouri and in the fall of 1868 was elected assessor of Linn county. In 1870 he was elected county clerk and in 1874 was re-elected to that office. He was Republican nominee for State auditor in 1888, served as department commander of Missouri, Grand Army of the Republic, in 1891 and 1892, and represented Linn county in the general assembly of the State in 1907. For many years he had been editor of the Brookfield *Gazette*.

Hon. W. S. Pope: Born near Thomasville, North Carolina, July 10, 1847; died at Jefferson City April 13, 1921. He came to Missouri in 1866 and shortly thereafter settled at Hartville in Wright county, where he began the practice of law. In 1872 he was elected a representative in the general assembly of the State from Wright county. In 1873 he moved to Jefferson City and served as Cole county's representative in 1877 and 1879. He continued the practice of law in Jefferson City and at the time of his death was president of the Cole County Bar Association.

Judge M. G. Reynolds: Born at Bowling Green, Missouri, November 19, 1854; died at St. Louis, January 10, 1922. He was graduated from the United States Naval Academy in 1874, but resigned from his command after serving three years and entered the practice of law in St. Louis. In 1904 he was elected judge in the circuit court in St. Louis, resigning after four and one-half years in office. Under Governor Hadley he served as president of the Board of Police Commissioners of St. Louis. He also served one term in the general assembly of the State, having been elected in 1880 from Pike county.

## MISSOURI HISTORY NOT FOUND IN TEXTBOOKS.

Compiled by J. Willard Ridings.

### A SHORT HISTORY OF THE SCHOOL OF MINES AND METALLURGY.

From *The Missouri Miner*, October 31, 1921.

In 1862 the Congress of the United States passed a bill which gave to all states that would establish at least one scientific college, especially devoted to "agriculture and the mechanic arts," a grant of public land, depending in size upon the total number of senators and representatives in Congress from that state. In 1870 the general assembly of the State of Missouri passed a bill taking advantage of the act of Congress. This bill provided for the establishment of an agricultural and mechanical college, to be located at and be in connection with the State University at Columbia, and for a school of mines and metallurgy, also to be a college of the University, to be located "somewhere in the mining district of the State," in the county that would give the largest bonus to the school.

Two counties, Iron and Phelps, put in bids. That of Phelps county exceeded that of Iron county by something like \$17,000, and this county was awarded the location. Rolla, being the largest city in the county, and the county seat, was the city selected.

This was in June, 1871. Immediate arrangements were made for opening the school and advertisements for students were issued. The regular course was to be three years in length, and was to lead to the degree of Mining Engineer. Prof. Chas. P. Williams accepted the position of director of the school. Prof. Williams was at that time professor of chemistry and assaying at Delaware College, and was well known as a chemist and assayer.

The formal opening of the School of Mines took place on November 23, 1871. Prominent speakers from all over the State took part in the exercises.

During the early years of the school it was much handicapped by the lack of funds. Its real development dates from 1890, since which many buildings have been erected and much valuable equipment added.

Prof. Williams was succeeded as director of the school in 1877 by Charles E. Wait. Next came William H. Echols, who served until 1891. From 1891 to 1893 Prof. Elmo G. Harris acted as director. The position was filled in 1893 by Walter B. Richards, who served until 1897. From that year until 1907 Geo. E. Ladd was the incumbent of the office. He was succeeded by Dr. Lewis E. Young, who served until 1913. Prof. L. E. Garrett was acting director from then until 1915, when Dr. A. L. McRae took the post. He was succeeded in 1920 by Dr. Charles H. Fulton, the present director.

The school years of 1871-72 saw an enrollment of 28 students: 8 regular, 3 special and 17 preparatory. The first commencement was held in June, 1874, and there were three graduates. The year 1894 marks the beginning of the four-year curriculum of the school, and was the beginning of the present system upon which the school now operates. This gradually increased the enrollment of the school until it reached the present figure of 562. This number includes 200 vocational students.

## HISTORICAL ARTICLES IN MISSOURI NEWSPAPERS

JULY-DECEMBER, 1920

**Audrain County.** *Mexico, Weekly Ledger*

- July 1. Solomon See, a pioneer, tells of bloodless battle. A Civil War incident.
- Nov. 25. R. S. McKinney, county surveyor, tells of experiences in Civil War.

**Barton County.** *Lamar, Democrat*

- Aug. 26. A glimpse of 50 years ago. Description of business section of Lamar in 1870.
- Sept. 9. Ye Old Time Pedagogues of Barton county. Some reminiscences of 40 years ago.

**Boone County.** *Centralla, Fireside Guard*

- Sept. 24. Hallsville in 1853.
  - Oct. 1. School days of 1857.
  - Oct. 8. Prices here in 1852.
  - Oct. 20. From Harvey Hulen. Interesting description of country life in Missouri in the '50's and '60's. Continued in issues of November 5, 12, 26, December 3 and 31.
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- Columbia, *Evening Missourian*.
- July 19. State constitution century old today. Review of incidents surrounding adoption of Missouri's first constitution.
  - July 24. R. B. Price tells about early days in county.
  - Aug. 12. Missouri's struggle for statehood long. Short sketch of Missouri's admission into Union.
  - Aug. 14. From Smithton to Columbia of today. Sketch of Columbia as pioneer settlement.
  - Aug. 26. Columbia mansion is remnant of past. Description of General Odon Gultar home, built during Civil War.
  - Sept. 2. *Missourian* in its 13th year. Sketch of growth of *Evening Missourian*.  
River freight hauled over old plank road. Some facts regarding Columbia-Providence road, built about 1853.
  - Sept. 3. Columbia church history. Early record of various denominations.
  - Sept. 7. Origin of State seal was in 1820. A short sketch.
  - Sept. 15. Presbyterian Church is 92 years old. Some facts regarding Columbia denomination.
  - Oct. 2. What election day was like 100 years ago in Columbia.
  - Oct. 5. House with secret chamber was home of county prisoner. The story of Eli Bass, a citizen of Boone county.
  - Oct. 6. Three R's taught for 40 years in Missouri's only school. Some facts about early-day schools in Missouri.
  - Oct. 9. "Most Unscholarly Student" in M. U. won fame by inaccuracy. A short sketch of Eugene Field.
  - Oct. 15. University columns are only reminder of fire in 1892. Story of burning of old administration building.
  - Oct. 21. Switzler Hall is alive with M. U. history. Sketch of university building built in 1871.



- Oct. 25. Going back 100 years in Boone county. A number of important events of early days.
- Nov. 6. Curators, with grave misgivings, admitted women to M. U. in 1870.
- Nov. 11. Crimes and feuds held sway in '80's. Story of the lawlessness of the Bald Knobbers in the Ozarks.
- Nov. 12. Curious wills found in old legal records. Some extracts from book on "Ancient Curious and Famous Wills," by V. M. Harris.
- Nov. 15. Gin burners in the south recall the days of the Bald Knobbers. Some recollections of their activities in south Missouri.
- Nov. 23. University band formerly wore Prince Alberts and "stove pipes." Story of the development of the university's band.  
Southern states influences Missouri's first constitution. Some facts about the making of the State's first constitution.
- Nov. 26. "Columbia" is world queen, child of sky. When Boone county towns were organized and how they got their names.
- Dec. 27. Historical lore is connected with Mineola. Some interesting facts about picturesque village.

Buchanan County. St. Joseph, *Gazette*

July 25. Entrance of Missouri into Union, 100 years ago a stormy affair.

Aug. 22. Musty city ordinances relate story of bygone days.

\_\_\_\_\_, *News-Press*.

Aug. 26. In St. Joseph 71 years. Some recollections of early days, by John Harnois.

\_\_\_\_\_, *Observer*

Sept. 4. Wild and wooly days of the "Council Bluffs." Recollections of early-day railroad.

Dec. 25. When the "Hopkins" reached the Iowa line. A story of railroad development of 50 years ago.

Callaway County. Fulton, *Missouri Telegraph*

Sept. 9. Some old papers found. Copies of the *Missouri Telegraph* of 1861.

\_\_\_\_\_, *Mokane, Missourian*

July 16. Missouri will pass century mark Monday. Some early history. Reprinted from St. Louis *Globe-Democrat*.

Cape Girardeau County. Cape Girardeau, *Southeast Missourian*

Aug. 12. Captain fiddled while boat sank. An early-day river event.

Aug. 19. River tramp paid benefactor for ride. More reminiscences of Missouri river life.

Cass County. Harrisonville, *Cass County Democrat*

July 8. Memories of Harrisonville and Cass county. Continued in issues of July 15 and 22.

Sept. 2. Frank H. Brooks reminiscent. A story of early newspaper days in Harrisonville.

\_\_\_\_\_, *Pleasant Hill, Times*

Dec. 10. Some political history. Henry county recollections. Reprinted from *Deepwater World*.

\_\_\_\_\_, *Belton, Herald*

Dec. 10. Some Missouri corn history. Reprinted in *Pleasant Hill Times*, December 17th.

**Chariton County.** *Keytesville, Chariton Courier*

- Dec. 31. 100 years ago tomorrow. Some facts regarding the organization of Chariton county.

**Clark County.** *Kahoka, Clark County Courier*

- July 2. Chapter of Clark county history. Continued in issues of July 9, August 20, September 3, 17, December 24 and 31.
- Oct. 8. Address of J. W. Murphy. Reminiscences of early days in Clark county. Continued in issues of October 8 and 15. Also printed in *Gazette-Herald*.
- Dec. 17. Churchville a busy town during Civil War years. Memories of the old town of Churchville.  
Becker family of Churchville—a short history.  
\_\_\_\_\_, *Gazette-Herald*
- July 2. Chapters of Clark county history. Continued in issues of July 23, August 20, September 3, 17, November 5, 19, 26 and December 31.

**Clay County.** *Liberty, Advance*

- Aug. 23. Missouri City's old days. Memories of steamboats and sugar-making times. Reprinted from the *Kansas City Star*.
- Aug. 30. Circuit Rider was here. Historical data on Clay county, collected by the "Circuit Rider." Reprinted from the *Kansas City Star*.
- Sept. 6. Early history of Platte. Reprinted from the *Kansas City Star*.
- Sept. 27. Baseball 35 years ago. Reprinted from the *Smithville, Democrat-Herald*.
- \_\_\_\_\_, *Tribune*
- Sept. 3. Clay county pioneers. Reprinted from the *Kansas City Star*.
- Nov. 19. Its beginning and end. The past glory and romance of steamboating. Reprinted from the *Memphis (Tenn.) Commercial Appeal*.

**Cole County.** *Jefferson City, Cole County Weekly Rustler*

- Dec. 31. Jefferson City man gives a historical scrapbook to C. W. Some extracts from same, giving facts about Missouri State Guard.  
\_\_\_\_\_, *Missouri State Journal*
- Nov. 20. Third assistant postmaster general. A sketch of Alexander M. Dockery.

**Cooper County.** *Boonville, Weekly Advertiser*

- Oct. 1. A tribute to Missouri. By Wm. H. Wallace; reprinted from a campaign speech of 1892.  
\_\_\_\_\_, *Central Missouri Republican*
- Nov. 4. Steamboat's heyday was 1850 to 1880. Description of river activities.  
\_\_\_\_\_, *Bunceton, Eagle*
- July 9. History of Mt. Nebo Baptist church.
- Dec. 3. How population changes. Some data concerning citizens of Bunceton 35 years ago.

**Crawford County.** *Steelville, Crawford Mirror*

- Dec. 30. First Baptist church—some historical facts.

**Dade County.** *Greenfield, Dade County Advocate*

- Dec. 2. Ozark College. A short history of defunct institution.

Davless County. Gallatin, *Democrat*

Nov. 25. Governor Alexander M. Dockery. A biographical sketch by Matilda W. Gantt. Reprinted from *Missouri State Journal*.

Dec. 30. Alexander Monroe Dockery, a biographical sketch by Rollin J. Britton.

Douglas County. Ava, *Douglas County Herald*

July 22. Missouri passed century mark as a State. Some facts regarding admission.

Aug. 19. Douglas county. A brief historical sketch.

Dunklin County. Kennett, *Dunklin Democrat*

Nov. 5. The New Madrid earthquake of 1812. A description taken from a letter written in 1816.

Dec. 24. Early days in Pemiscot county. Reprinted from the *Caruthersville Democrat*.

Dec. 31. As a citizen views it. A few recollections of early days, by Virgil McKay.

Franklin County. Union, *Republican-Tribune*

Oct. 8. Sketch of the life of Alfred A. Vitt, Union veteran.

Oct. 29. Photograph of Franklin county courthouse, built in 1848. Political reminiscences of F. W. Pehle, by Clark Brown.

Washington, *Franklin County Observer*

July 23. Missouri a State of Union for 100 years. Some historical facts.

Sept. 24. Sketch of the life of F. W. Pehle, former county official and State legislator. See also *Washington Citizen* for September 24th.

Gasconade County. Hermann, *Advertiser-Courier*

Oct. 20. Sketch of the life of Carl F. Klick, Union veteran.

Gentry County. King City, *Chronicle*

Aug. 27. Sketch of the life of George C. Strock, founder of the *Chronicle*, and former editor of the *Albany Ledger*. See also *King City, Tri-County News* for August 13.

Greene County. Springfield, *Leader*

Nov. 24. The last wild pigeon hunt ever staged in the Ozarks.

Harrison County. Bethany, *Clipper*

Nov. 10. In a reminiscent mood. Recollections of 1887.

Dec. 15. M. P. McNamee writes of early days in northwest Missouri.

Henry County. Windsor, *Review*

Dec. 2. In the '60's around Windsor.

Hickory County. Hermitage, *Index*

Dec. 16. Wm. Q. Paxton, while in the army in 1864, writes sister at home. Some description of army life during Civil War.

Holt County. Mound City, *News-Jeffersonian*

Aug. 27. The county seat question. With some historical date on Holt county courthouse.

Oregon, *Holt County Sentinel*

July 23. Sketch of the life of Warren B. Davis, Union veteran.

- Sept. 3. The truth half told. Historical data about courthouse of Holt county.  
 Sept. 10. Holt's temple of justice. Some early history of the courthouses of Holt county.  
 Sept. 17. Holt's beauty spot. More courthouse history.  
 Nov. 26. Sketch of the life of Josiah W. Batcheller, pioneer citizen and Union veteran.  
 Sketch of the life of Levi Oren, Union veteran.

Howard County. Fayette, *Advertiser*

- Oct. 28. Sketch of Dr. Edwin Boone Craighead, president of Central College.  


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 \_\_\_\_\_, *Democrat-Leader*  
 July 8. Probably oldest in Howard county. Some historical data concerning Mt. Moriah Baptist church.  
 July 15. Fayette and Howard county. A historical and descriptive sketch.  
 Some facts about Howard-Payne College.

Jackson County. Kansas City, *Post*

- Aug. 1. Billy Reedy, writing man, and his home town. A short sketch of famous St. Louis journalist.  
 Aug. 22. Genesis of law in Jackson county, built 93 years ago, to be preserved. Sketch of first courthouse of Jackson county.  
 Nov. 14. LaPlata police chief, former friend of Jesse James, John F. Givens, relates tales of Civil War days.  


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 \_\_\_\_\_, *Star*  
 July 4. General Grant's Fourth of July visit to Kansas City in 1880.  
 July 19. Missouri is at the century mark today. Story of State's admission into Union.  
 July 21. Passing of the Rohidoux store, famous western Kansas landmark.  
 Aug. 22. A sugar camp of long ago. Recollections of early days in Clay county. Continued in issue of August 29th.  
 Sept. 2. Platte county boasts America's premier fair. Random historical notes on Platte City and Platte county.  
 Sept. 4. Sketch of the life of J. C. Tarsney, Union veteran and former Congressman.  
 Sept. 9. Missouri's tobacco center. Description of tobacco industry at Weston, Missouri.  
 Sept. 11. How Mark Twain "roughed it" in Nevada. Reprinted from the *Saturday Evening Post*.  
 Sept. 19. Historic Lexington remembers the duties of the present. Notes on early days in Lexington.  
 Sept. 24. Honey bees blazed the trail for Nodaway county pioneers. Facts concerning pioneer days in Nodaway county.  
 Oct. 3. Discovering the Ozarks. Some description of south Missouri. Others may be the best, but Saline is the banner county. Historical, geographical and other facts about Saline county.  
 Oct. 20. No rivalry among towns in Ray county. Facts about county.  
 Oct. 24. Carroll county was the Egypt of refugees under Order Number 11. Descriptions and reminiscences of Carroll county. The Missouri river as the early explorers found it. From the journal of Lewis and Clark in 1804.  
 Oct. 31. St. Joseph forgets the Pony Express to boost good roads. Some sidelights on St. Joseph and its people, past and present.

- Nov. 7. Fame for Missouri girl. Short sketch of Ivy McCarthy of Kirksville, who has met success as a sculptor in England. Reprinted from *New York Globe*.
- Nov. 10. Youth's tribute to Eugene Field. Sketch of the child's monument to Field in Chicago.
- Nov. 14. Cass county is like a grand loving cup, filled to the brim. A descriptive sketch.
- Nov. 28. Doing something for the Quality Hill baby. A sketch by Eugene Field, reprinted from the *Kansas City Times* of November 25, 1880.
- Dec. 5. An ancient sea once raged above Johnson county, Missouri. Interesting facts, past and present, about Johnson county.
- Dec. 12. How Homer Croy broke into print.
- Dec. 25. Columbia is to Missouri what Athens was to Greece. A sketch of the seat of the State University.
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- Aug. 17. A pioneer banker dead. Sketch of the life of W. H. Winants, Civil and Spanish-American War veteran and resident of Kansas City since 1865.
- Oct. 22. A Missouri centenarian who voted for Henry Clay. Sketch of "Uncle John" Smith of Dixon, Missouri.
- Dec. 20. The first act of secession paved sixty years ago. Story of the secession of South Carolina.
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- Oak Grove, *Banner*
- Dec. 24. Sketch of the life of A. T. Duncan, Confederate veteran.
- Jasper County. Carthage, *Press*
- Oct. 14. Twenty-fifth anniversary of courthouse dedication. A historical sketch of event of October 9, 1895.
- Dec. 23. Sketch of the life of J. S. Scott, Union veteran.
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- Joplin, *Globe*
- Aug. 29. Special industrial edition. With descriptive articles on Joplin, mining district and neighboring towns.
- Johnson County. Holden, *Progress*
- July 1. Sketch of the life of W. B. Pemberton, Confederate veteran.
- Dec. 2. A lodge's interesting history. Some facts about Gunn City's lodge I. O. O. F.
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- Warrensburg, *Star-Journal*
- Nov. 16. A twice-told tale of old Warrensburg. A tale of a near-tragedy in the '60's.
- Knox County. Edina, *Democrat*
- July 29. Sketch of the life of L. F. Cotter, former county official, state legislator and member of the constitutional convention of 1875. See also Edina *Sentinel* for July 29th.
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- Oct. 21. Sketch of the life of O. D. Jones, pioneer attorney and politician.
- Nov. 11. Sketch of the life of F. M. Woodward, pioneer and Union veteran.
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- Laclede County. Lebanon, *Laclede County Republican*
- July 23. Sketch of the life of S. V. Casey, Confederate veteran and former county official and the oldest native-born citizen of Laclede county.

- Oct. 29. It was speedy then. Recollections of the Wabash "Fast Train" of 40 years ago.
- Dec. 3. Recalls Baldknobber. Reminiscences of Ozark outlaw band of the '80's. Reprinted from *Columbia Evening Missourian*.
- Lafayette County.** *Lexington, Intelligencer*
- Sept. 10. Sketch of the life of W. G. Muagrove, former editor of the *Intelligencer*. See also *Lexington News* for September 9th.
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- Aug. 19. *Lexington's* historic sites.
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- Odessa, *Democrat*
- Dec. 24. The passing of Columbus. Short historical sketch of the village of Columbus.
- Lewis County.** *LaBelle, Star*
- Oct. 1. War veteran. Some facts concerning Felix Scott, a Union Captain in the Civil War. Reprinted in the *Monticello, Lewis County Journal*, October 8th.
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- LaGrange, Indicator*
- Dec. 2. When the cholera epidemic struck Palmyra (1832-33). Reprinted from *Palmyra Spectator*.
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- Monticello, *Lewis County Journal*
- July 23. Missouri became a State July 19, 1819. A few facts regarding Missouri's admission.
- Lincoln County.** *Elsberry, Democrat*
- July 2. Duffy passes century mark. Recollections of pioneer days in St. Louis, by pioneer citizen.
- Linn County.** *Brookfield, Gazette*
- Nov. 6. Back in the '40's. Items from a copy of the *Glasgow Gazette* of January 6, 1848.
- Marion County.** *Palmyra, Spectator*
- Nov. 17. Reminiscences of a pioneer. Some interesting facts of early days. Reprinted from *New London, Ralls County Record*.
- Mercer County.** *Princeton, Telegraph*
- Nov. 3. Sketch of the life of A. J. Jeffries, pioneer.
- Miller County.** *Eldon, Advertiser*
- Nov. 4. Old paper published in 1861. Some items from *California (Missouri) News* of March 2, 1861.
- Monroe County.** *Monroe City, Semi-Weekly News*
- Aug. 10. Patched-up constitution. A short historical sketch of Missouri's various constitutions.
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- Paris, *Monroe County Appeal*
- Aug. 20. Recollections of Paris pioneers.
- Sept. 3. Turkeys of 50 years ago. Recollections of wild game in former days.
- Montgomery County.** *New Florence, Montgomery County Leader*
- July 30. Missouri is 100 years old. Some random historical notes.
- Morgan County.** *Versailles, Statesman*
- July 1. How Indians made flint arrowheads. By D. W. Eaton. Reprinted from *Outdoor Life*.

Nodaway County. Maryville, *Weekly Democrat-Forum*

July 29. Missouri is at the century mark. Some important historical facts about State.

Sept. 30. Recollections of pioneer days in Nodaway county. Reprinted from *Kansas City Star*.

Osage County. Linn, *Osage County Republican*

July 1. Missourians 100 years ago. Recollections of pioneer days. Continued in issues of July 8, 15 and 22.

—, *Unterrified Democrat*

July 8. Old-time marriages—1891. A list of marriages of that year. Continued in issue of July 22nd.

Pemiscot County. Caruthersville, *Twice-a-Week Democrat*

Dec. 17. Pemiscot, back in "ye olden tyme." Interesting items from copies of *Gayoso Democrat* of early '80's.

Pike County. Bowling Green, *Times*

July 15. History Column. Early days of Bowling Green. Continued in issues of July 29 and October 7.

Aug. 12. When white men were sold as slaves in Missouri.

Sept. 9. The Mason and Dixon line.

Sept. 16. The old Spring Hollow.

Clarksville, *Banner-Sentinel*

Sept. 15. 53rd anniversary of the *Banner-Sentinel*. Some facts.

Ralls County. New London, *Ralls County Record*

Dec. 10. The tragedy of Boggs Mill. A traditional love affair of early days.

Randolph County. Moberly, *Weekly Monitor-Index*

Oct. 21. When constitution was framed in 1875. Amusing incidents of convention.

Ray County. Hardin, *News*

Sept. 9. Lavelock cemetery. A short history of Ray county burying ground.

Richmond, *Conservator*

Aug. 5. History of Richmond high school. Reprinted from 1920 *High School Echo*.

Aug. 26. History of the State flag of Missouri. Reprinted from *Missouri Historical Review*.

—, *Missourian*

July 15. A local story of the good old days. A side light on Civil War times.

Nov. 18. Ray county is 100 years old. Some historical facts regarding its organization November 18, 1820.

St. Charles County. St. Charles, *Banner-News*

Oct. 14. Sketch of the life of Captain James S. Hill, Confederate veteran and Missouri river pilot.

—, *Cosmos-Monitor*

July 21. History of the pioneer Boone family.

St. Clair County. Lowry City, *Independent*

Nov. 11. First steamboat on the Osage. Reprinted from *History of St. Clair County*, published in 1883.



- Dec. 9. Western Missouri in the '60's. Extracts from a letter printed in the *Windsor Review*.  
 \_\_\_\_\_ Osceola, *St. Clair County Democrat*
- Oct. 28. Sketch of the life of C. H. Lucas, editor of the *Democrat*.  
 \_\_\_\_\_, *St. Clair County Republican*
- Dec. 16. Sketch of the life of B. N. Prier, Union veteran.
- St. Louis City. *Globe-Democrat*.
- July 13. Missouri will pass century mark Monday. Short historical sketch of events by which Missouri adopted her first constitution.
- Nov. 14. Old times on the Mississippi. Reprinted from the *Memphis (Tenn.) Commercial-Appeal*.  
 \_\_\_\_\_ *Post-Dispatch*
- July 18. How first state constitution was adopted at old Mansion House 100 years ago tomorrow. By Prof. E. M. Violette.
- July 25. A visit with Louis Dodge, St. Louis' most successful novelist.
- Sept. 19. First governor of Missouri was installed 100 years ago today, with ceremonies, in St. Louis.
- Oct. 17. Pulaski county super-centenarian contrasts pioneer days with the present era.
- Oct. 31. Poster of old St. Louis and St. Clair ferry recalls the days of 80 years ago
- Nov. 7. Builder of Eads bridge one of seven persons elected to Hall of Fame; with short sketch of J. B. Eads and Mark Twain. See also *Globe-Democrat* for November 7th.  
 \_\_\_\_\_ *Star*
- July 29. Anecdotes told by friends reveal Reedy's personality. Side lights on famous journalist. See also *Globe-Democrat* and *Post-Dispatch* for July 29th.
- Oct. 23. Bar Association argument for a new State constitution; with history of past constitutional conventions. Continued in issues of October 25, 26 and 27.
- Dec. 17. Traditional justice of Franklin county reflected in murder case. Crimes in which death penalty was paid recalled by aged historian at Union, Missouri.
- Dec. 28. St. Louis' street names indicate city's origin and development. Historical significance of names.
- St. Louis County. *Carondelet, News*
- June 25. Comment and chronicleings of the *Carondelet* of years ago. Random recollections, continued in all succeeding issues.  
 \_\_\_\_\_ Clayton, *Argus*
- Aug. 13. Old time election not unlike present. Notes on the election of John Scott, Missouri's first representative in Congress.  
 \_\_\_\_\_, *Watchman-Advocate*
- Dec. 24. Sketch of the life of Robert B. Crossman, pioneer newspaper man.
- Scott County. Benton, *Scott County Democrat*
- July 29. Partial list of Scott county officials since 1820.
- Shelby County. Shelby, *Democrat*
- Aug. 4. Bill 620 and the "Ewamp Angel." Story of the fight for railroad legislation in Missouri.

**Stoddard County. Bloomfield, Vindicator**

- Dec. 17. Town of Gayoso was engulfed by river. How the Mississippi destroyed former county seat of Pemiscot county. Reprinted from Memphis (Tenn.) *Commercial-Appeal*.

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*Stoddard Tribune*

- Dec. 9. Stoddard, the greatest county in the greatest state in the Union. A short descriptive sketch.

**Texas County. Cabool, Enterprise-Press**

- Oct. 7. Big scoop by country editor. A newspaper incident of Harrisonville some 40 years ago. Reprinted from *The Fourth Estate*.

- Dec. 16. An echo of the past. Resume of a copy of the Cabool, *Texas County Populist* of June, 1894.

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*Houston, Herald*

- July 22. Looking backward. Some privations of Civil War times. Continued in issue of August 5th and December 2nd.

**Webster County. Marshfield, Mail**

- Oct. 28. Sketch of the life of W. L. Smith, editor of the *Chronicle*.

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